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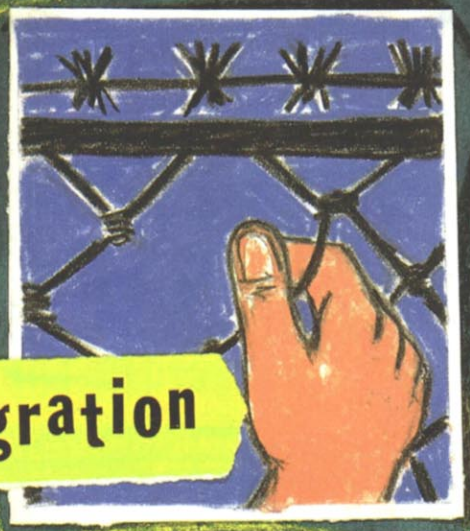
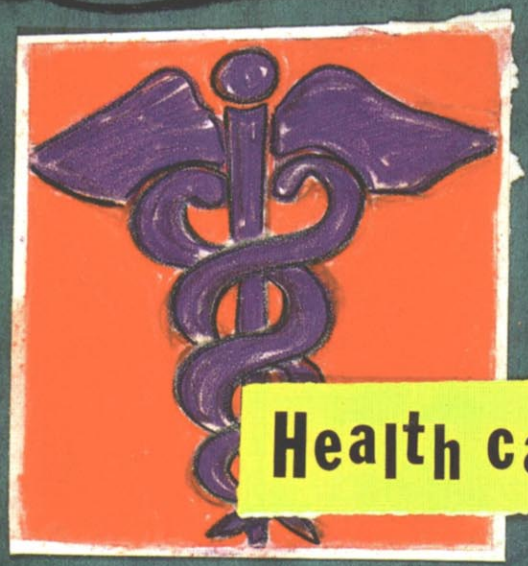
Initiatives '94



Immigration



Health care

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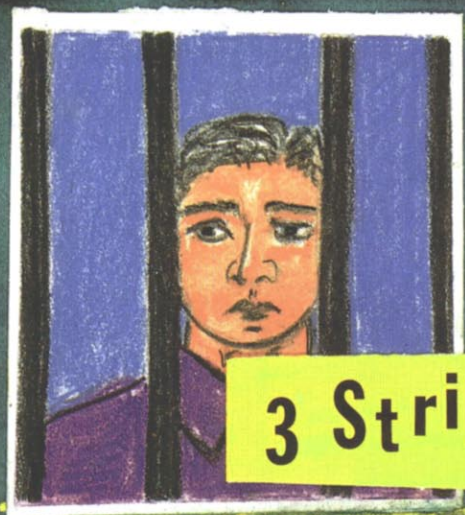

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SEPTEMBER 1994
VOLUME XXV, NUMBER 9

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Independent analysis of politics and government

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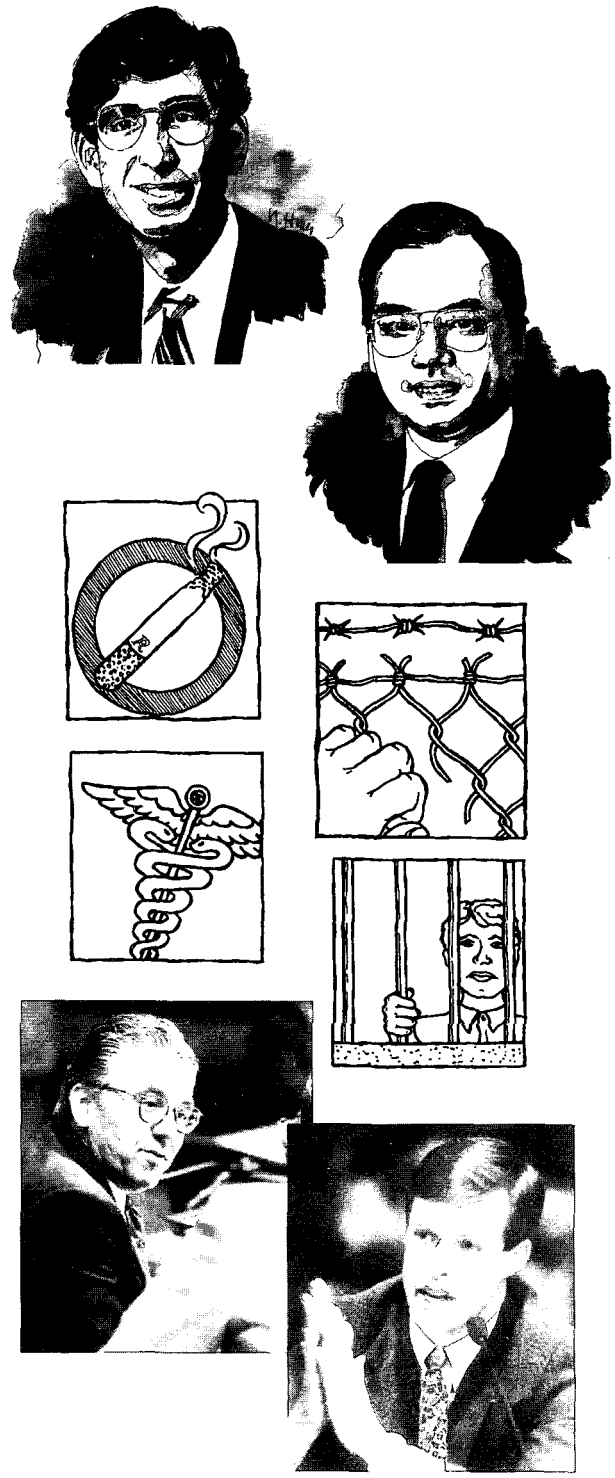

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Up Front

UMBRAGE

S(ub)lime race of the year. At one point, it looked as though the race for governor might be the grittiest of 1994. But the Pete Wilson-Kathleen Brown send-up is staid when compared with the donnybrooke taking shape for the U.S. Senate between Republican Congressman Michael Huffington and Democratic incumbent Dianne Feinstein. The two have been sliming each other since well before the June 7th primary. And with mega-millions of dollars in each war wagon left to spend, the race could set all kinds of records for highly publicized hypocracy and venality before the processed hay settles in November. Huffington, who has brought consultant Ed Rollins aboard his campaign to ride shotgun, seems to have developed the campaign theme: "Feinstein failed to pay taxes and takes PAC money, besides." Feinstein, on the other hand, is running on the platform: "Michael Huffington is a Texas carpetbagger who is using his personal fortune to buy a California Senate seat, nyah, nyah, nyah." What all this has to do with the *job* has yet to emerge from the swamp that has become the campaign. And we can't wait for the one-on-one televised debates. We envision something akin to the old "Saturday Night Live" parody of weekly "60 Minutes'" jousts between James Kilpatrick and Shana Alexander. "Dianne, you gibbering slimebelle" and "Michael, you squint-eyed, drawl-lipped toad."

Cloaking device. Just as the California Senate was revealing its own take on ethics following the conviction of Senator Frank Hill (see *CJ*, August 1994), the *San Diego Union Tribune* reported that a tax-exempt foundation was paying the bills for a two-bedroom condo in Los Angeles whose sole tenant was Governor Pete Wilson. Wilson uses the condo when visiting the city on official business, his office said, but never never never never never never for campaign purposes. Meanwhile, the paper reported that among those contributing to the foundation — and therefore, paying the guv's bills — were San Diego Gas & Electric ($10,000), Southern California Edison ($5000) and Hollywood Park racetrack ($7000). Apparently, there is no *legal* conflict, said the FPPC, since none of this largesse was bestowed upon Wilson personally, but upon the governor's office. Is it just us, or does it seem to others that politicians more and more use legalese like the Romulans and Klingons used their cloaking device — to camouflage a hulking pile of garbage.

View from the top. Assembly Minority Leader Jim Brulte (R-Rancho Cucamonga) fired off a letter to Assemblyman John Burton (D-San Francisco) recently, protesting the hiring of San Francisco attorney Joe Remcho. Remcho has been retained — once again — by Assembly Rules to represent the "views of the Assembly" before the state Supreme Court hearing on Proposition 73, scheduled for later this fall. According to Brulte, Remcho represents the views of "majority Democrats," not those of his caucus and he has threatened to convey this fact to the Court.

Energizer Bunny of the Century. Who else but Harold Stassen? Yes, we know; Stassen isn't from California. But the former Minnesota governor qualifies anyway. Stassen tried on 10 separate occasions to capture the Republican nomination for president — failing each time. He ran for the first time in 1948, losing to the late Tom Dewey. He made his most recent attempt in 1992, by which time he had become a national symbol for futility. Now 87 years old, Stassen announced last week that he will seek his home state's GOP nomination for U.S. Senate. The seat currently is held by Republican David Durenburger, who is retiring. Among the liberal Stassen's causes: a national health-care program.

SOS, redux. For California, the attempt to curtail the rights and privileges of immigrants is *deja vu* all over again. In 1994 it's Proposition 187 — the "save our state" initiative (see Ballot Booklet in this issue). Back in the 1870s, it was "immigrant taxes" and Chinese exclusionary laws. And, as the Spring 1994 issue of *California History* reports, in 1913, it was the Henley-Webb Alien Land Act, passed by the Legislature over the protests of President Woodrow Wilson and signed into law by that old Progressive icon, Governor Hiram Johnson. The act denied the right to own property to any resident who could not become a citizen. Basically, it was aimed at the growing number of immigrants from Japan, many of whom were in this country illegally and who, because of agreements with the Japanese government, were not considered eligible for citizenship.

One form fits all. The palace that houses *CJ* was struck by a car not long ago, and the subsequent police account indicates that Sacramento's finest are doing their best to cut down on the high cost of bureaucracy. Rather than have separate forms for every occasion, SPD uses a standard document. Thus, the official report read: "Your building has been damaged while parked ..."

Sucking sound '94: In 1993 the phrase "large, sucking sound from the south" referred to American jobs potentially lost to Mexico should Congress pass NAFTA — the North American Free Trade Act — reviled by H. Ross Perot during his loud but unsuccessful attempt to derail the pact. In political terms for 1994, however, the loud sucking sound from the south could well be the murder trial of former football great O.J. Simpson. If the trial begins in late September or October, it could suck up a huge chunk of free media time on television and space in newspapers — just as the California election season shifts into high gear. Big losers: anybody running a shoestring campaign against a well-heeled opponent. The big guns — oh, say, the tobacco industry, which is behind Proposition 188 — can buy all the media they want, perhaps in the middle of the trial itself. The

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little guys often must devise catchy campaign antics to attract free publicity.

Take that. On two separate occasions during the past month, Democratic gubernatorial candidate Kathleen Brown told her GOP opponent, Governor Pete Wilson, to stop whining about her ads attacking Wilson's record and about recent poll results showing the governor trailing in the race. "Take it like a man," Brown admonished her foe. Now, what exactly does that mean? And had Pete Wilson said of Kathleen Brown, "Take it like a woman," could you have found a decibel meter large enough to measure the explosion?

Mama Doc. For anyone who spent time around the California Legislature during the 1980s, the recent outburst by Congressman Maxine Waters (D-Los Angeles) during a House Banking Committee hearing on Whitewater should come as no surprise. Waters told a Republican colleague to "shut up" when he continued to grump about a ruling from committee Chairman Henry Gonzalez (D-Texas). During her Assembly days, Waters' sometimes imperious behavior earned her the nickname "Mama Doc," a reference to former Haitian dictator "Papa Doc" Duvalier bestowed on Waters by the late Assemblyman Walter Ingalls (D-Riverside).

"The one absolutely certain way of bringing this nation to ruin, of preventing all possibility of its continuing as a nation at all would be to permit it to become a tangle of squabbling nationalities, an intricate knot of German-Americans, Irish-Americans, English-Americans, French-Americans, Scandanavian-Americans or Italian-Americans, each preserving its separate nationality."
— Theodore Roosevelt

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Two Cents Worth
COMMENTARY

History lesson

Extract from the introduction to "Decline of California," *University of West Sierra Press (May 2094):*

"And so it came to pass in the 1990s that California plunged into that steep decline that has intrigued historians for the past century. Although the landmarks of this downfall are vividly apparent to the modern historian, they were barely noticed at the time. After decades of unrestrained prosperity, the state fell upon hard economic times for which its ruling elite seemed unprepared. Instead of uniting the population to solve common problems, the leadership class caused various economic, social and ethnic groups to bid against one another for shares of power and diminishing resources. Rather than involve larger numbers of citizens in government, leaders seemed content to limit participation.

(Students of the era should not be confused by the jargon, for 'leader' did not suggest the same definition as today. In fact, the very word became corrupted during the last decade of the 20th Century to mean, according to the 2064 edition of *Webster's New Galactic Dictionary*: 'one who follows the rule of the mob.' This occured because the guiding light of politics during the last quarter of the 20th Century was the beacon of popular mood, and as so often transpires during eras of historical decline, no visionary emerged to occupy a position of universal influence.)

"The most perplexing decline of the 1990s infected the one area that long had marked California as distinct among the states — education. Leaders today understand that education is the cornerstone of any civilization, the font of its health. California, too, seemed to understand this notion in the years following World War II. She sacrificed to build vast school systems in which to educate her young, supplementing that system with lofty universities open to all citizens. As a result, California grew and prospered.

But in the 1990s, education fell from its preeminent stature and was replaced by public preoccupation with crime. Rather than build schools, the government built prisons, embarking upon this intense commerce as a warring nation might build an armada. Each new prison included a well-stocked library, a state-of-the-art infirmary and classrooms that lured veteran teachers away from public schools. Public school libraries, on the other hand, closed or faded in significance as their materials became outdated. Community libraries closed as well, as cash-strapped local governments poured money into the construction of local prisons.

"Meanwhile, the money lavished on what historians now call 'the crime-industrial complex' shrank resources available for other endeavors. Thus, political leaders were forced to choose between schools and prisons. They chose prisons, all the while misinterpreting the people's demand for safety as a mandate to lock up even non-violent criminals for longer and longer terms.

"As modern historians understand, when a society funds a school, it invests in its future and signals promise and public optimism. But when it builds in a prison, it traffics in fear, self-loathing and despair. In the 1990s, no one in a position of authority stepped forward to calm the fear or blunt the despair. Indeed, historians now conclude that the ruling elite inflamed the fear for personal gain. Detailed research has shown that at the very moment that crime eclipsed all other political issues, the crime rate was on the wane, or at the least was no more pronounced than it had been in previous decades.

"Most serious students of California history agree that the gubernatorial election campaign of 1994 marked the point at which the rate of decline accelerated...."

— A.G. Block

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Independent analysis of politics and government JOURNAL

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CALIFORNIA JOURNAL is a non-partisan, non-ideological analysis of California government and politics established in 1970. The *Journal* is indexed in Public Affairs Information Service, New York Times Information Bank, Sage Urban Studies Abstracts and Urban Affairs Abstracts. *California Journal* (ISSN00081205) is published monthly. Subscription rates: Libraries and Government Agencies, $59.00; Corporations and Associations, $95.00; Special Individual rate, $42.00. Address all inquiries to California Journal, 2101 K Street, Sacramento, CA 95816. Telephone (916) 444-2840. Copyright 1994 by Information for Public Affairs, Inc., Second class postage paid at Sacramento. POSTMASTER: Send address changes to CALIFORNIA JOURNAL, 2101 K Street, Sacramento, CA 95816.

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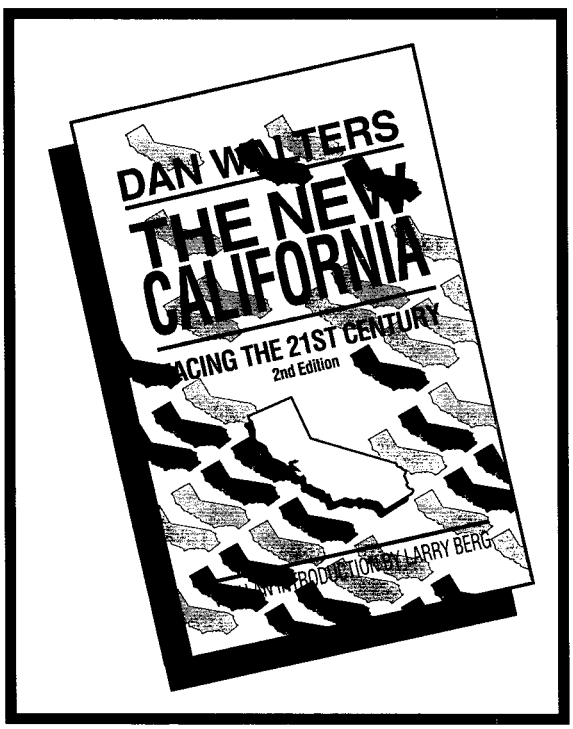

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The Race for

Two political up-and-comers vie to become the state's banker

Phil Angelides

Illustrations by Norm Hines

Of all the milestones people pass as their lives progress, the one that, for many, produces the most ambiguous feelings is hitting age 40. When a friend or acquaintance reaches age 40, most people find themselves in the position of comforting that person, rather than congratulating them. In politics, however, it's a different story. Notwithstanding the relative youth of the current national administration, 40 is considered young in political terms. Nowhere is that more evident than in the race for state treasurer. For Democrat Phil Angelides and Republican Matt Fong, political life begins at 40.

Although neither Angelides nor Fong have an election victory to their name, both are positioned to kickstart promising careers in electoral politics with a victory. For Angelides, a win would cap an astonishing three-year run of political success which began with his chairmanship of the state Democratic Party. For Fong, a victory would ratify the GOP bona fides of a man who, 12 years ago, was running the campaign of one of the state's most popular Democratic leaders, who also happened to be his mother.

It's no mystery as to what attracts two rising stars to the treasurer's job, for it involves the two things most coveted in any elective office: money and power. The treasurer rides herd, in one fashion or another, over the state's entire investment portfolio, negotiating bond sales, defending the state's credit rating, and helping to manage billions in pension-fund investments.

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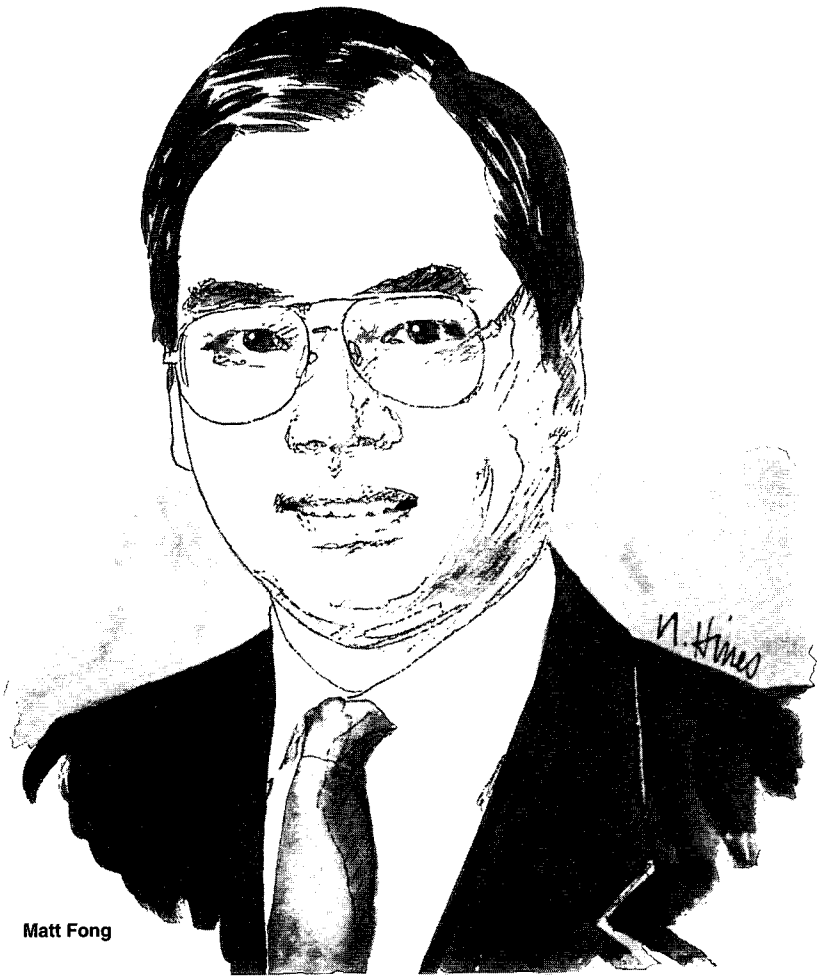
State Treasurer

by Steve Scott



Matt Fong

"It's high finance," says Donna Lucas, who was an aide to former GOP Treasurer Tom Hayes. "Every morning, the treasurer invests billions and billions of dollars. You're representing the state of California to the most powerful people in the country. That's a lot of power."

The late Democratic Treasurer Jesse Unruh leveraged that power into his own little fund-raising dynasty, in the process transforming a sleepy ministerial post into a political powerhouse. The Securities and Exchange Commission has cracked down on the practice of raising money from bond underwriters, but current incumbent Kathleen Brown's bid for governor demonstrates that the job still has potential as a springboard to higher office. In fact, Brown's victory over Hayes four years ago was the best indication of the transformation the job has undergone. Hayes, the fiscal professional uncomfortable with the partisan rough-and-tumble, lost to Brown, the political professional with the famous name.

Unlike Brown and Hayes, who were as different as two candidates can be, Angelides and Fong have some general similarities. Both began their political careers fairly traditionally, but at a crucial juncture, each took the unpredictable detours that eventually led them to this point. A graduate of Harvard, Angelides worked as a legislative and gubernatorial staffer in the 1970s and early 1980s, focusing largely on housing issues. His sudden change of direction came in 1983, when he quit the Legislature to go to work for Sacramento developer Angelo Tsakopolous. He soon formed his own development company and cashed in on the Sacramento real-estate boom of the 1980s. His "defining" project — Laguna West — received national attention for its model of a suburban community that emphasized walking over driving, and interaction over isolation.

As a wealthy developer, Angelides suddenly became a hot property in Democratic circles, and he's credited with a significant contribution to the Democratic success in the 1992 elections through his work as chairman of the state Democratic Party. Armed with a basket full of chits, Angelides began shopping around for a place to spend them, and after being chased out of a run for lieutenant governor by Gray Davis, he settled on treasurer as his next step.

The primary battle against former state Senate President pro Tempore David Roberti was one of the more unusual in recent

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memory. Term-limited out of his Senate seat, Roberti took a chance challenging the well-funded Angelides. He was then broadsided by a recall in his Senate district, tied to his authorship of the state's assault-weapons ban. The recall froze the treasurer's campaign, and Roberti's victory cast him as a dragon-slayer among those Democrats who were watching. Unfortunately for Roberti, a good reputation is no substitute for money, and the recall drained his resources. He couldn't counter the $2-million ad blitz by Angelides, who came from behind to blow past Roberti and win the primary going away.

Fong's path to the race includes an even more unusual twist. He started out traditionally enough, graduating from the Air Force Academy and then starting his own import/export company while at the same time going to law school. While all this was going on, Fong was building political chits by running campaigns for his mother, Democratic Secretary of State March Fong Eu. With such a well-liked and successful political leader as his mother, Fong was already groomed to receive any torch she might pass. There was just one problem — Fong didn't want to be a Democrat. He wanted to be a Republican.

In 1988 he made the switch official, after sitting through a political "Mom, guess what?" session with Eu and her political advisers. Fong's political background greased his path in the GOP, but not without grumbling from some hardliners, who wanted him thrown out for not endorsing his mother's 1990 GOP opponent. Fong was on the ballot that year, too, losing to Gray Davis in the state controller's race. The 1990 campaign gave Fong some valuable experience, however, and Governor Pete Wilson gave him a further boost by appointing him to a vacancy on the state Board of Equalization. Fong has served as vice-chairman of the board, and when he decided to run for treasurer, the field was clear.

Talk to them about what they'd do as state treasurer, and the two sound very similar. Both Fong and Angelides propose using the investment power of the treasurer's office to help bring jobs into California. Fong suggests setting aside 3 percent of the Public Employees Retirement System (PERS) fund's investment and targeting it toward development and job creation in the state.

"Twenty-two pension funds from other states target their own state," says Fong. "We could create an additional 250,000 jobs that are now being allocated outside our state."

Angelides' job-creation estimates are more modest, in the 100,000 range — he suggested the figure, he jokes, "before job-creation numbers became fashionable." Still, he says Fong's proposal is "too conservative," and argues for making California business the priority across the whole range of state investments, including the State Teachers Retirement System (STRS). Fong derides what he calls "social investment," which would favor environmental or political causes, but Angelides doesn't make a big deal about that either, and both insist their first responsibility is to get the best return on the state's investments.

One thing is certain. For one of these two 40 year olds, 41 is going to be a good year.

With their perspectives of the job reasonably close, the campaign will likely be about the men themselves. As one might expect in an era of disengagement from the electoral process, each is trying to paint the other as "politics as usual," while portraying himself as an "agent of change."

"My basic question about Matt Fong is 'who is he?'" says Angelides. "What is he other than a guy who ... was a lawyer for a couple of years, ran for controller, and then was appointed to the Board of Equalization by Pete Wilson." Angelides says his 11 years as a developer give him the practical, "real world" experience that Fong, who has spent most of his career as a lawyer, lacks. "The job of a treasurer is to invest capital," he says. "That's a lot different from sitting on a tax board."

Fong counters with a career timeline, showing himself in business while Angelides was still toiling as a legislative staffer. While he concedes his import/export business was modest, Fong says his specialization as a business lawyer and as a member of a state tax board give him a financial expertise Angelides can't match.

"I have a track record from serving three years on the state Board of Equalization," he notes. "Voters are looking for somebody who can take their money and get more bang for the buck." Fong also notes that, while Angelides doesn't hold public office, his stewardship of the state Democratic Party makes him no less a product of traditional politics than any elected official.

As they try to define themselves, expect both Fong and Angelides to pick at each other's political scabs, and try to dig up as much dirt as possible. Fong makes no secret of his willingness to bring up questions about Angelides' development business that were raised by Roberti in the primary. Roberti suggested Angelides benefited from a sweetheart deal in the construction of a Sacramento library, and that Angelides had sneaked out of his financial stake in Laguna West just before part of it was taken back by Bank of America. Fong may also chip at the mystique of Laguna West itself which, five years after its conception, remains largely a dream unfulfilled.

Angelides dismisses the conflict-of-interest accusation, saying his involvement in the library came only after the original developer backed out. Regarding his Laguna West investment, Angelides says the bank seizure was the result of the merger of Bank of America with Security Pacific, the original lender. As for Laguna West's slow start, Angelides says the explanation is simple: The project started just as the recession hit.

"Did I go through the 'recession-depression' of '89 to '93? You bet I did," says Angelides. "So did every other person in the private sector."

Fong also plans to exploit the controversy that surrounded Angelides' primary campaign against Roberti. Angelides hit Roberti with what may have been the most notorious spot of the year so far, juxtaposing Roberti's picture with scenes of the funeral of a Florida physician who was murdered because he performed abortions. While the script talked of Roberti's opposition

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to a federal clinic-bombing law, many believed the ad implied that the staunchly-Catholic Roberti somehow condoned the murder. Fong says the spot was "sleazy," and he is not alone, as Angelides earned editorial scorn up and down the state. "It is inappropriate for someone who once held the position of party chair to conduct such a divisive campaign," said former state Democratic Party Chairman Peter Kelly.

Although he is clearly unsettled by the reaction to the spot, Angelides offers no excuses or *mea culpas*. "There was a simple resolution before the Legislature that asked 'Do you want to support the [federal clinic bill]?' David Roberti abstained from it three times. An abstention means a 'no.'" Angelides insists neither the spot nor the controversy surrounding it have affected his fund raising, and he maintains whatever wounds the ad may have inflicted on the party "have been healed." There is evidence, however, that the ads had some effect. In a July Field Poll on the race, Angelides' favorable/unfavorable ratings were about even, while Fong's were three-to-one, favorable.

"I really have very little room to countenance people who won't stand up for a woman's right to choose," Angelides says. "I believe I spoke up for morality."

While Angelides says he likely won't make abortion a major issue in the fall campaign, it could be one of Fong's soft spots, not so much for his position but for his lack of one. Fong steadfastly refuses to announce his stand on abortion rights, insisting it has "nothing to do with the job of being treasurer." While his statement is factually correct, Fong faces charges that he is ducking a major issue in the public debate. Despite the tactical risks, however, Fong remains unmoved.

Angelides also suggests that Fong himself is not immune to charges of conflict-of-interest. Fong reportedly vowed never to take contributions from interests that had issues before the Board of Equalization, which adjudicates tax disputes. "He wholly violated his pledge," says Angelides, who promises more specifics as the campaign proceeds. Fong, meanwhile, points out that Angelides took money from bond underwriters before the practice became the subject of inquiry by the Securities and Exchange Commission. "I believe taking money from underwriters is an absolute conflict," he says.

Finding money to finance their respective campaigns shouldn't be difficult for either candidate. Angelides has been steadily mining his contacts in the Greek-American community, as well as those he made while party chair, and he's already spent more than $3 million. Fong also boasts an ethnic funding base, in the Asian community, and has even managed to get some help from Democratic friends from his days working for his mother. The July Field Poll showed Fong ahead of Angelides by 11 points — 36 percent to 25 percent — with 39 percent undecided. Angelides concedes he's the underdog, but reminds anyone who will listen that he overcame a larger deficit in knocking off Roberti. Roberti, however, didn't have the money to respond to Angelides' attacks. Fong will.

One thing is certain. For one of these two 40-year-olds, 41 is going to be a good year.

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The race for Superintendent of Public Instruction

DiMarco, Eastin tangle for the job of schools' chief

By Kirsten Mangold

One would think that in the middle of an election season, a nonpartisan contest would be the least interesting and least competitive. But the scramble to capture the job of superintendent of public instruction has been anything but boring. There's rumor, intrigue, lots of money and big-name organizations involved — and even a broken limb for added spice. The two candidates are Delaine Eastin, a Democratic legislator from Fremont and chairwoman of the Assembly Education Committee; and Maureen DiMarco, Governor Pete Wilson's education adviser, also a Democrat and the one with a cast on her foot, thanks to a July 4th fall at her home.

The two are vying for a spot that's been fraught with problems since the last elected superintendent, Bill Honig, was forced to resign his post in 1992 after being convicted on conflict-of-interest charges stemming from the discovery that his wife's company was funded in part by Honig's Department of Education. The first person Wilson tried to appoint to succeed Honig — state Senator Marian Bergeson (R-Newport Beach) — ran into a buzzsaw during confirmation hearings in the Assembly, and her nomination failed. One of her most vocal opponents was none other than Eastin. Wilson's second nominee was investor Sanford Sigoloff. He eventually withdrew from consideration this past February after his lack of experience in the field raised a howl from the education community — especially the California Teachers' Association.

As a result, Honig's former deputy, Dave Dawson, has served as acting superintendent until a successor to Honig can be elected. Dawson has kept a low profile and announced early on that he would not be a candidate for the job. Eastin and DiMarco emerged one-two from the June primary, which featured 12 candidates. Had any one of them earned 50 percent of the vote, he or she would have won the job outright. But Eastin fell far short, earning just 22 percent, and she was forced into a November runoff with DiMarco, who finished second in the primary with 14 percent. Both candidates pack impressive resumes and are passionate supporters of children — but otherwise are worlds apart in background, policy, personality and connections.

"I don't think there is any job more important," Eastin has said. "My whole history and set of personal values is that education is the most important cause in government." Eastin says that a "combination of my own personal values, my experience and my demonstrated ability to work with both parties" qualifies her for the job.

Those personal values and experience have become the bromides of her campaign speeches. The daughter of a dressmaker and a machinist, Eastin constantly refers to her working-class background and talks of her struggle

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through the business world as a manager at Pacific Bell and a community college teacher. In early 1991 Speaker Willie Brown Jr. (D-San Francisco) named her to chair Assembly Education, and she used that platform to become a vocal supporter of schools, particularly those in suburban areas.

Eastin says she decided to run for superintendent two years ago during the budget fight. "I got so angry that kids kept getting cut. This wasn't the country, or the California, or the neighborhood I grew up in," she recalls. An important aspect of Eastin's platform is her fight to shift funding from what she calls "Cadillac prisons" to "jalopy schools."

DiMarco, on the other hand, became interested in education when her own two daughters were in school in Southern California. She became involved in the then-fledgling Early Childhood Education program, and worked up through the ranks from instructional assistant to site councils to program reviewer with the Department of Education. After winning a seat on the Garden Grove school board, she stayed for 11 years. She found a soulmate in Bill Honig, and commuted to Sacramento to serve as a paid consultant to Honig's department on an education reform bill in the mid-1980s.

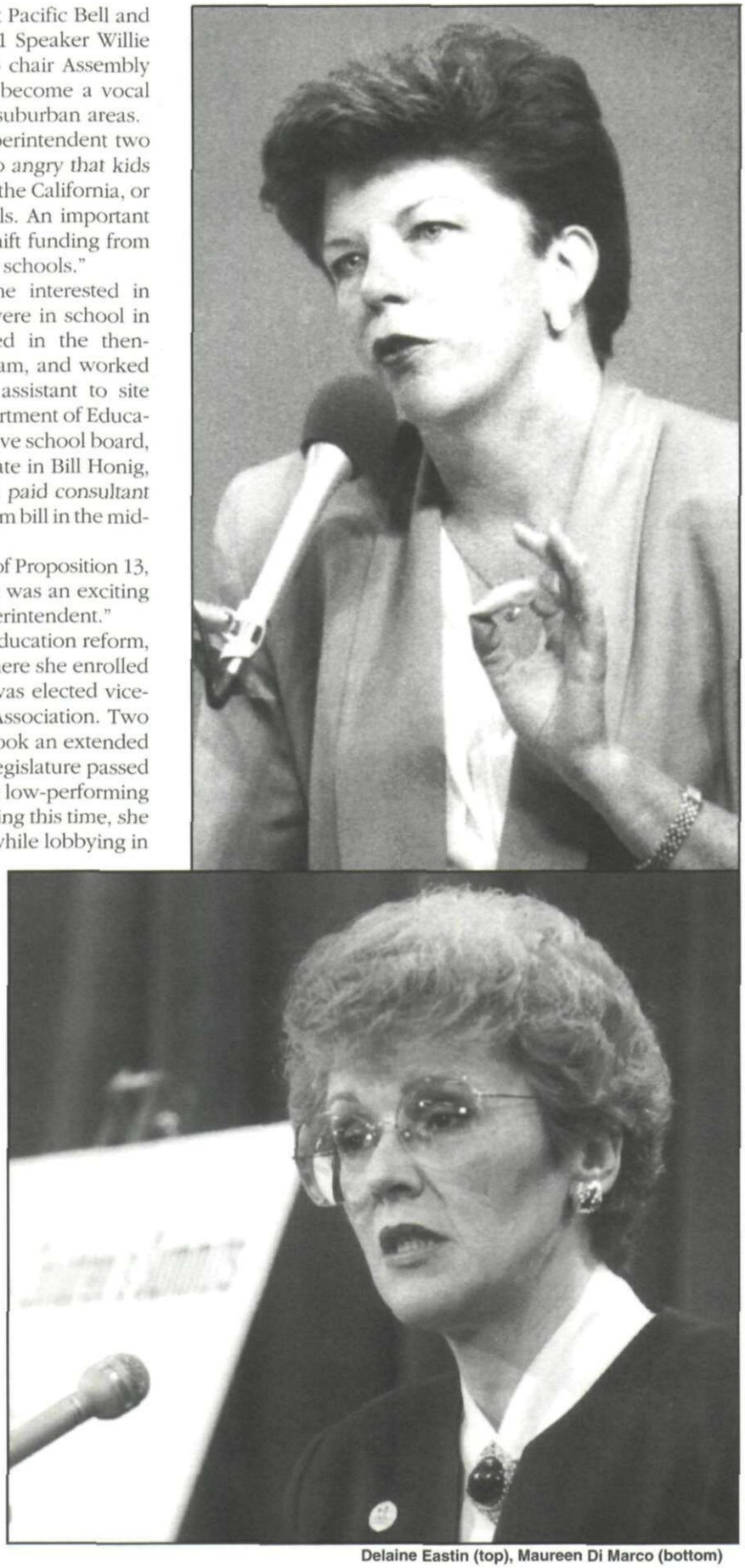
"We were still suffering from the effects of Proposition 13, but we got a lot done," DiMarco recalled. "It was an exciting time, with a new governor and a new superintendent."

After her one-year stint working with education reform, DiMarco returned to Southern California where she enrolled in law school in 1987, the same year she was elected vice-president of the California School Boards Association. Two years later, she was elected president and took an extended leave from school. During her tenure, the Legislature passed SB 9, which allowed the state to intervene in low-performing schools and take over if necessary. Also during this time, she met then-U.S. Senator Pete Wilson in 1988 while lobbying in Washington, D.C.

"I thought that he would be just another bland Republican senator, but I was thrilled to find that he really understood kids and what was going on with education issues," DiMarco said. A little more than two years later, Senator Wilson had become Governor Wilson, and he offered DiMarco the newly created Cabinet-level position of education adviser.

The race for superintendent is officially non-partisan, but with these two candidates, their histories and affiliations, there was not much of a chance that it would be *de facto* non-partisan. Eastin is backed by the CTA and other labor groups, traditional allies of the Democrats. DiMarco is a little harder to pigeonhole. She also is a registered Democrat, but she works for a Republican governor and has had to walk the line on education issues in the past. Caught in the position of having to please everyone, some guess that she may please no one.

"The fact that I worked for Wilson truly cuts both ways, but I'm running for my office, not his," DiMarco said. "My goal is to make every child in this state



Photos by Rich Pedroncelli

Delaine Eastin (top), Maureen Di Marco (bottom)

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smart enough and schooled enough to make a choice whether they want to be a Democrat or a Republican. Both parties would improve that way."

This is also a battle of background, in the sense that the CTA has historically been at odds with the CSBA, where DiMarco served as president and with whom she is still on good terms.

Even their personalities are a yin and yang of difference. DiMarco has a reputation of smiling sweetly as she administers the poison; no doubt a habit refined during her tenure with a governor who was not always kind to education. Critics have suggested that she may not always have liked Wilson's decisions but, as his education spokesperson, had the responsibility of occasionally being the bearer of bad news to the public. She earned the spotlight — and Eastin's criticism — for her support of the controversial CLAS test late last year.

Eastin, on the other hand, is known as a bear who has very little softness about her. Her attacks are harsh and undisguised. During the Bergeson confirmation hearing, for instance, she implied that the nominee would be unable to separate the concepts of church and state because she was a Mormon and thus a believer in the creationist theory. But even though the delivery is harsh, no one could call Eastin a shrinking violet. She says that she will stand up for her beliefs, and so far, she has kept her word.

Both women are vocal and passionate, but statewide politics requires more. Eastin's link with labor — especially with the CTA — cuts both ways. First, it brings her an enormous resource, both in terms of campaign contributions and person-power. But it also leaves her open to charges that her administration of education would lean heavily toward the desires of teachers' unions. DiMarco points to that factor and says that she is intentionally not seeking endorsements because she does not want to add to the aura of a thinly disguised party race. Critics say that DiMarco's decision means only that she is aware of her perilous position between parties: Republicans know she's a Democrat, but many Democrats think she acts like a Republican.

Joe Burek, a Bay Area businessman and former school board member, explains that while he has met both candidates, he will support DiMarco because he believes she will be more able to work with both sides.

"No one thing about [DiMarco] impresses me; she's very intelligent and articulate, and she's shown that she can work both sides of the fence," he said. "I am a Democrat, but I think Eastin is too much of a Democrat. I don't see her working efficiently and effectively with Republicans, and that concerns me. You need to have a good relationship with everyone."

But Burek's good friend and fellow school board member Ron Arrants disagrees. He has known Eastin since days when they worked together at Pacific Bell, and he remembers her as "driven" and "assertive."

"You know that she's going to get the job done if she says she's going to do it, and she has a heart of gold when it comes to kids," Arrants said. "She's very people-oriented, but some people don't know that because she has the kind of humor

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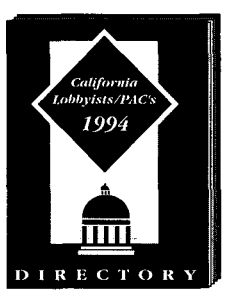

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that you can't get into a person-to-person conversation with. Sometimes she's more than men can handle, because she threatens their machismo. But that's only because she is so intelligent."

Perhaps one of the best predictors of the outcome is the candidates' record of battling each other in the ring — as they did during the June primary. In the primary, Eastin had a clear advantage because of her endorsements, and she outspent DiMarco $900,000 to $80,000. It is thought that the spending ratio will be similar for the general election, although no amount of financing will win conservative voters for Eastin.

Both DiMarco and Eastin are clear on what their goals are should they take the office.

"I always say to people, it would be wonderful if we had a quick fix," Eastin says. "But first comes the issue of parental involvement. That's the best predictor of a child's outcome, regardless of the parents' income or background." She argues that parental involvement should be a requirement, and she also stands behind creating more clean, well-lighted schools. She says she wants to see more technology in the classroom, because it not only is useful knowledge for the student, but can help streamline the teacher workload as well.

Eastin argues that schools should spend more time focusing on children who are not bound for college. "Does that mean they are not productive? No!" she said. "If I get on an airplane, chances are that the mechanic, the air traffic controller and the machinist didn't go to college. They were probably trained in the military, and the military is about to downsize. We will lose not only jobs, but training." Pre-apprenticeship programs in high schools, she says, will help cushion the problem.

DiMarco says she wants to ensure the quality of education by changing teacher tenure to licensing similar to other professions. Textbooks are another priority, she says, because California's rank in textbook spending — 45th — is not acceptable. She also wants to get "very, very" serious on guns and drugs, calling for a mandatory expulsion on the first offense. "It won't make any difference what the curriculum is if the violence continues," she warns.

Mudslinging has not been a major factor in the race so far, but the candidates are not without comment for each other. Eastin has been the more aggressive, arguing that DiMarco's history has shown her to be ineffective. "What is her contribution been [to education]?" Eastin said. "She likes to say I'm a Johnny-come-lately, but she accomplished almost nothing as Wilson's adviser. I have just as much experience working with both parties as she does. How else could I succeed in the Legislature?"

DiMarco offers a similar complaint about her opponent. "Delaine was not a player in education policy at all until 1991," she said. "She came out of the corporate world to replace Teresa Hughes [as chairwoman of Education], and while I'm sure she cares about education, this has not been her career or her life's work."

And depending on what the candidates list as their occupations on the ballot, their titles could have an effect on the vote outcome. After all, DiMarco concedes, "Most people don't really know what the superintendent does.

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A California Journal Analysis

November 1994 BALLOT PROPOSITIONS

PROPOSITION NUMBERING

In 1983 the Legislature passed a law requiring that ballot measures be numbered consecutively from election to election, starting with November 1982. Previously, each election received its own set of proposition numbers, starting with 1. But the system proved confusing. If you say "Proposition 13," do you mean the tax-cutting proposal of 1978 or the water-conservation proposal of 1982? Since 1982, 180 propositions have appeared on various ballots, thus the current crop begins with number 181. It will continue this way for 20 years, so the next Proposition 1 will appear in 2002.

REPRINTS

Additional copies of this ballot booklet are available at the following rates: 100 or more copies, 84 cents each; 50-99 copies, $1.25 each; 25-49 copies, $1.95 each; 3-24 copies, $2.45 each; 1-2 copies, $2.95 each. Please add 7.75 percent sales tax, plus $2.75 shipping and handling to all orders. Call, mail or FAX a check or MasterCard or Visa number to: California Journal, 2101 K Street, Sacramento, CA 95816. Phone: (916) 444-2840; Fax: (916) 444-2339. COPYRIGHT 1994 BY INFORMATION FOR PUBLIC AFFAIRS, INC.

181 Passenger Rail and Clean Air Bond Act of 1994.

A $1 billion legislative bond act that provides funds for acquisition of rights-of-way, capital expenditures and acquisitions of rolling stock for intercity rail, commuter rail, and rail transit programs.

Background: In 1989, transit organizations and legislators agreed on a 10-year, $60-billion mass transit program. Approximately $18 billion was to be provided from state resources for capital outlay, and the rest from the federal and local governments. The first parts of the state program included two bond measures and a permanent gasoline-tax increase — Propositions 108, 111 and 116 — and were approved by a slim margin in 1990. Two subsequent, $1-billion bond proposals, one in 1992 and the other in 1994, were placed on the ballot by the Legislature. The 1992 proposal, Proposition 156, failed. Proposition 181 is the 1994 $1-billion bond proposal.

Proposal: This measure allows the state to sell $1 billion in general obligation bonds with maturity of up to 20 years in order to provide funds for rail capital outlay. Three types of rail service would benefit: intercity rail between cities in California and other parts of the country (for instance, Amtrak); commuter rail service from regional cities to urban centers during heavy commute hours (San Francisco's "Caltrain" and Los Angeles' Metro Link); and urban rail transit that provides regular service throughout the day within an urban or metropolitan area (San Francisco Bay Area Rapid Transit — BART — and the Los Angeles Metro Red and Blue Lines). General fund revenues would be used to pay interest on the bonds, estimated to be at least $630 million if bonds are sold at an interest rate of 6 percent. Rates may be higher, however, in light of the recent downgrading of California's bond credit rating. Future rail operating costs of proposed

Continued on page 4

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PROPOSITIONS

Summary	Arguments For:	Arguments Against:	Proponents*	Opponents*

181: Passenger Rail and Clean Air Bond Act of 1994

Summary	Arguments For:	Arguments Against:	Proponents*	Opponents*
A $1 billion legislative bond measure that funds intercity and commuter rail and rail transit programs. This is the third in a series of three rail bonds. The first was approved in 1990, while the second was rejected in 1992.	The measure expands rail service throughout the state, reduces traffic congestion, improves air quality and helps stimulate the California economy.	A billion-dollar boondoggle because current rail ridership still lags behind capacity. As a result, taxpayers shouldn't pay for more rail projects.	Assemblyman Jim Costa (D-Fresno), 2158 Capitol Building Sacramento 95814 (916) 445-7558	Tom McClintock 1107 2nd Street, Ste. 210 Sacramento 95814 (916) 446-7300

182: California Housing and Jobs Investment Bond Act

Summary	Arguments For:	Arguments Against:	Proponents*	Opponents*
A $185 million legislative bond that requires proceeds from bond sales be used to provide mortgage guaranty insurance for low- and moderate-income first-time home buyers.	This measure will help 55,000 families purchase their first homes. These purchases will provide a boost for the state economy by creating nearly 40,000 new jobs and generating $1.6 billion in economic activity. It also will bolster current homeowners' property values.	This measure is costly to taxpayers and will create few jobs. At 6 percent interest, it will add $302 million to the state's debt over 20 years. Housing affordability must only be restored by reducing government overregulation.	Californians to Assist First-Time Homebuyers California Building Industry Assembly Speaker Willie Brown Jr. 525 South Virgil Avenue Los Angeles 90020 (213) 739-8200	Assemblyman Gil Ferguson (R- Newport Beach) 4299 MacArthur Boulevard, Ste. 204 Newport Beach 92660 (714) 756-0665

183: Recall Elections. State Officers.

Summary	Arguments For:	Arguments Against:	Proponents*	Opponents*
A legislative constitutional amendment that authorizes a recall election to be held within 180 days of certification of sufficient signatures so that the election may be consolidated with the next regularly scheduled election occuring within the same jurisdiction. Currently, such elections must be held 60 to 80 days after certification. The Legislature put this on the ballot in the wake of an expensive and ultimately unsuccessful recall election against Senator David Roberti (D-Van Nuys) this past spring.	This measure improves the recall process by making it easier to combine recall elections with regularly scheduled elections. More voters will participate and taxpayers can save millions of dollars by avoiding special, stand-alone elections.	Recall elections remove elected officials before their terms expire, and recalling a dishonest politician saves money and cuts off greedy special interests. Voters shouldn't allow politicians to delay recalls.	Senator Milton Marks (D-San Francisco) Tony Miller, acting Secretary of State 5035 State Capitol Sacramento 95814 (916) 445-1412 Attn: Darren Chesin	Assemblyman Mickey Conroy (R-Orange) Assemblyman David Knowles (R-Cameron Park) 4102 State Capitol Sacramento 95814 (916) 445-2778

184: Increased Sentences. Repeat Offenders.

Summary	Arguments For:	Arguments Against:	Proponents*	Opponents*
This is the "three-strikes-and-you're-out" initiative that exactly mirrors a bill passed earlier this year by the Legislature and signed by the governor. That law puts in prison for 25-years-to-life repeat criminals who have two previous convictions for violent or serious felonies. The initiative merely reaffirms that law.	This measure keeps rapists, murderers and child molesters behind bars where they belong. It saves lives and taxpayer dollars.	Law enforcement officials and crime victims say this version of "three strikes" is bad law. Three out of four felons given life sentences under this law will be non-violent offenders. Punishing non-violent offenders like violent ones doesn't make sense and will cost taxpayers billions of dollars.	Mike Reynolds NRA Michael Huffington Three Strikes Committee 325 Pollasky Clovis 93612 (209) 322-8646	Taxpayers for Effective Crime Prevention Marc Klaas 6380 Wilshire Boulevard, Ste. 123 Los Angeles 90048 (213) 937-7622

***Partial List**

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Summary	Arguments For:	Arguments Against:	Proponents*	Opponents*

185: Public Transportation Trust Funds. Gasoline Tax.

Summary	Arguments For:	Arguments Against:	Proponents*	Opponents*
An initiative statute that adds another 4 percent tax on the sales of gasoline, estimated to raise about $630 million annually. The money would be used to fund electric rail, clean-fuel buses, light rail, commuter and intercity rail, wetlands, riparian habitats and parks programs. It should not be confused with Proposition 181, which is a legislative bond measure.	This measure will slash transportation waste and prevent the Legislature from raiding transportation funds. It will help develop electric vehicles and rail systems, thereby saving energy and cleaning the air. It also will provide transit for senior citizens, create jobs and make roads and bridges earthquake safe.	A $700 million tax increase on gasoline that creates an all-powerful, Sacramento-based committee of three political appointees with the sole authority to spend billions of taxpayer dollars.	Gerald Meral Planning and Conservation League Cal PIRG Congress of California Seniors 926 J Street, Ste. 612 Sacramento 95814	Ted Green Californians Against the $700 Million Tax Increase Cal Tax California Transportation Commission 11444 West Olympic Boulevard, Ste. 1018 Los Angeles 90064

186: Health Services. Taxes.

Summary	Arguments For:	Arguments Against:	Proponents*	Opponents*
This is the so-called "single-payer" health-care program for California that establishes a government-run health-care system and defines benefits to replace existing health insurance, premiums and programs. The entire program, and the funds to pay for it, would be administered by an elected Health Commissioner. It is estimated that it could cost as much as $75 billion and would be paid for by employers, individuals and taxes on tobacco products.	Provides lifetime medical coverage, including long-term care and prescriptions, for all Californians. Participants would be able to choose their own doctor and would no longer have to pay any insurance premiums or deductibles. The only charge would be a health tax, which would be smaller than what is currently paid for coverage.	A government take-over of health care, with huge bureaucracies, $40 billion in new taxes, $30-billion shortfalls, rationing and cuts in other programs for schools and crime prevention. There is no guarantee of physician choice.	California Federation of Labor, AFL-CIO California Council of Churches Consumers Union California Teachers Association Californians for Health Security 5208 Claremont Avenue Oakland 94618 (800) 525-0101	Chamber of Commerce California Manufacturers' Association California Dental Association Blue Shield of California The Seniors Coalition Taxpayers Against the Government Takeover 915 L Street, Ste. C240 Sacramento 95814 (916) 852-6494 (800) 220-3232

187: Illegal Aliens. Ineligibility for Public Services. Verification and Reporting.

Summary	Arguments For:	Arguments Against:	Proponents*	Opponents*
This is the so-called "Save Our State" initiative aimed at illegal immigrants. It makes illegals ineligible for public services, including education, health care and social services. It also requires state and local agencies to report suspected illegal aliens. Passage may place at risk billions of dollars of federal funding for California, however but may also save up to $200 million in program costs.	This measure excludes illegal aliens from receiving public social services and makes it a felony to manufacture, distribute, sell or use false documents to obtain benefits reserved for legal residents.	This makes a bad situation worse. It won't solve illegal immigration problems and does nothing to beef up enforcement at the border. Because it is poorly drafted, it could cost taxpayers as much as $10 billion.	Ronald Prince Save Our State Assemblyman Richard Mountjoy (R-Monrovia) (714) 544-1514	Taxpayers Against 187 Sherman Block, LA Sheriff California Medical Association 111 Anza Boulevard, Ste. 406 Burlingame 94010 (415) 340-0470

188: Smoking and Tobacco Products. Local Preemption. Statewide Regulation.

Summary	Arguments For:	Arguments Against:	Proponents*	Opponents*
This measure preempts existing smoking laws passed by local jurisdictions and replaces them with a limited, statewide smoking ban. It permits smoking in most public places and penalizes tobacco purchases by minors.	Helps protect non-smokers by regulating smoking in public places and helps keep tobacco away from minors. Also prohibits smoking in restaurants and work places except in separate smoking areas that meet tough ventilation standards. Provides a reasonable and fair solution to balance the interests of non-smokers and smokers, employers and employees.	The tobacco industry wants to eliminate smoke-free areas and overturn tough local laws banning tobacco sales to children. It will cost taxpayers billions because of disease from smoking and second-hand smoke.	Philip Morris Californians for Statewide Smoking Restrictions San Francisco Hotel Association 10866 Wilshire Boulevard, Ste. 550 Los Angeles 90024 (310) 475-9494	American Cancer Society American Lung Association American Heart Association PTA Coaltion for a Healthy California (800) ACS-2345

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rail projects are unknown, but are expected to potentially be in the tens of millions of dollars annually since fare revenues cover only a portion of operating costs.

Arguments for: Proponents include Senate Transportation Committee Chairman Quentin Kopp (I-San Francisco) and Dean Dunphy, secretary for the Business, Transportation and Housing Agency. They argue that the bond money will expand rail service throughout the state, reduce traffic congestion, improve air quality, provide jobs for California workers and help stimulate the state's economy.

Arguments against: Opponents include state Senator Phil Wyman (R-Bakersfield); Republican Tom McClintock, a candidate for controller and state Senator Marian Bergeson (R-Newport Beach). They argue that rail projects will be utilized by a relatively small portion of the population, not enough people currently use existing rail to justify building more projects and the money ought to be used to repair and maintain California highways. Also, they argue that the state has a plethora of general-obligation bond debt and a low bond rating. They also note that some members of the Legislature — including the measure's author, Assemblyman Jim Costa (D-Fresno) — pushed for its removal from the November 1994 ballot.

— *Mary Beth Barber*

182 The California Housing and Jobs Investment Bond Act.

A $185-million legislative bond act to augment the California Housing Loan Insurance Fund to provide mortgage guaranty insurance for low-and moderate-income first-time home-buyers.

Background: In 1982 Californians approved the First-Time Home Buyers Act to help people finance the purchase of a first home. The act authorized the sale of $200 million in general-obligation bonds, with the proceeds used to reduce the mortgage-loan interest rate charged to first-time home buyers. But only $15 million of the $200 million has been sold due to the terms of the program and changes in market conditions. Many Californians are not able to obtain mortgage insurance — which reduces the required downpayment for homes — and therefore cannot purchase the houses themselves. Many new-time homebuyers can afford the monthly payments but not the often-large upfront costs. A federal mortgage insurance program is unavailable to many Californians because of the state's high cost of housing compared to the rest of the country. The federal program only insures homes costing less than about $150,000.

Proposal: This measure replaces the First-Time Home Buyers Act of 1982 with a new mortgage-insurance program, instead of the old program that focused on low interest rates. The new program would allow the state to sell the remaining $185 million in bonds authorized but never sold under the previous program. The California Housing and Finance Agency would administer the program and manage the bond funds. Mortgage insurance would be provided for 5000 to 10,000 first-time homebuyers annually, enabling them to obtain mortgage loans with a downpayment as low as 3 percent. The state bond funds would be used as insurance in case buyers defaulted on the loans. Buyers would pay a fee for the insurance. If it works as intended, the fees will pay the costs of the program and pay back the state for the money it spends on the bonds. An identical measure — Proposition 173 — failed in November 1993. The legislation that placed Proposition 173 on the ballot required that, should it be defeated, an identical measure was to be placed before voters again at the next general election.

Arguments for: Proponents include officials from the Contra Costa Taxpayers Association, the Affordable Housing Alliance, the California Building Industry Association, the Congress of California Seniors, the Economic Development Corporation of Los Angeles County, and the California Institute for Affordable Housing Education and Research. It also is supported by legislative allies like Assembly Speaker Willie Brown Jr. (D-San Francisco) and Senator Marian Bergeson (R-Newport Beach), and by officials from the Los Angeles Chamber of Commerce, the California Labor Federation, and Californians for Housing and Jobs. They argue that the measure will stimulate the economy, create jobs, and assist people to buy homes — at no financial cost to the state's taxpayers. The state needs to help residents buy homes, they say, because housing costs keep Californians from getting their fair share of federal aid, and because more homeowners provide a stronger tax base for local police and fire departments. Proponents compare this proposal to other successful programs like the Federal Housing Authority and veterans' home loan programs.

Arguments against: Assemblyman Gil Ferguson (R-Newport Beach) argues that the measure places taxpayers at financial risk if homeowners default. Also, it takes bond money previously authorized and uses it for a different purpose; bonds were not issued previously, he argues, because interest rates fell during the 1980s. But Ferguson points out that rates are beginning to climb again, and the program could be utilized for its intended purpose. And if the proposed program were not to pay for itself, California would be liable for the cost of the bonds — approximately $302 million over 20 years, assuming a 6 percent interest rate on the G.O. bonds. Los Angeles Libertarian Party Chairman Ted Brown opposed the identical Proposition 173, and he argued at the time that the measure is unfair to the middle class, who might not qualify for assistance but have difficulty buying homes themselves. Both think a better approach would be for the government to cut taxes and housing regulations so more people could buy homes.

— *Mary Beth Barber*

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183 Recall Election: State Officers.

A legislative constitutional amendment that authorizes a recall election to be held within 180 days of certification of sufficient signatures so that the election may be consolidated with the next regularly scheduled election in the same jurisdiction.

Background: When Los Angeles County shelled out $900,000 to host the recall election of Senator David Roberti (D-Van Nuys) in April, a collective "Yikes!" could be heard around the state. Seemed a waste of money to have an election just two months before a primary was to be held anyway. Couldn't they just slip it on the June ballot? The answer was "no," according to the California Constitution, which requires state office recall elections to be held 60 to 80 days from the date the secretary of state certifies signatures on the recall petitions. But, after witnessing the cost to Los Angeles County, especially when the dust had barely settled from the costly Northridge quake, it looked like the 83-year-old provision needed some updating. The recall itself isn't exactly overused. There have been an underwhelming four recall elections in the past 81 years: two in 1913; one in 1944; and last April's unsuccessful recall of Roberti. However, that's not for lack of trying; since 1913, there have been 107 recall attempts, 55 of them since 1986. Current law enables the governor to call a special election to fill a legislative vacancy within 180 days so that it may be consolidated with a regular election. That goes for scheduling statewide office recalls, too. Politically, the current 60-80 day provision can be used as a powerful tool in the effort to oust any given elected official. In a special election where voter turnout is typically subpar, it is believed to work to the ousters' advantage since theoretically they can rally their own troops for the cause. But no one ever accused Roberti of being typical. Proposition 183 was placed on the ballot by the Legislature, where it received only nominal opposition.

Proposal: Proposition 183 adjusts the timing requirement during which state office recall elections must be held in order that a recall can be held with the next regularly scheduled election in the same jurisdiction. The proposal changes the requirement from 60-80 days to 180 days from the day the secretary of state's office certifies petition signatures. While the fiscal impact cannot be estimated specifically, potential savings could be significant to the state and to local governments, according to the legislative analyst.

Arguments for: Senator Milton Marks (D-San Francisco), Acting Secretary of State Tony Miller and League of Women Voters President Marlys Robertson argue that Proposition 183 would accomplish a couple of things: save money by combining a recall with a regular election and increase voter participation. Citing the high cost of April's special recall election in Los Angeles County, proponents claim that their proposal could result in cost savings of potentially millions of dollars, especially at a time when the state struggles with economic crises and merciless natural disasters. Additionally, proponents claim that to be "truly democratic," recall elections should be held when voter turnout theoretically is higher, during a regular election.

Arguments against: Assemblymen David Knowles (R-Cameron Park), Mickey Conroy (R-Orange) and Dean Andal (R-Stockton) oppose Proposition 183 on the basis that it interferes with the purpose of a recall, which they say is "to make an immediate change in who we elect to represent our interests." They claim the measure was put on the ballot by the Legislature to protect legislators from the voters and would effectively keep "corrupt" officials in office longer since the time requirement for actually holding the recall would be extended. Further, opponents claim the proposal messes with the ideals of the early 20th Century reformers who installed into the constitution provisions for the initiative, referendum and recall. They also say lumping a recall in with a general election where a targeted politician actually could be seeking re-election on the same ballot would confuse voters.

— *Nancy H. Martis*

184 Sentence Enhancement. Repeat Offenders.

The "three-strikes-and-you're-out" initiative statute that increases the penalites for felons convicted of a third crime, or "strike."

Background: "Crime" often is a hot-button political issue, but now and then, some criminal event elevates it to the status of a crusade. Such was the case in October 1993 when a Petaluma 12-year-old named Polly Klaas was abducted from her home and subsequently slain by an ex-con named Richard Allen Davis. The aftermath of the Klaas killing galvanized the public. Polly Klaas' funeral became a political happening, with Governor Pete Wilson using the occasion to deliver a tough-on-crime campaign speech. The funeral was packed with politicians, including both of California's U.S. senators — Democrats Dianne Feinstein and Barbara Boxer. Even President Bill Clinton referred to the tragedy in a speech.

The immediate political beneficiary, however, was not a politician but a Fresno photographer named Mike Reynolds, whose own daughter had been shot to death in 1991 by an ex-con during a purse-snatching incident. In the wake of his

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own tragedy, Reynolds had started a campaign to lock up repeat offenders by increasing their prison time — in some cases, to life. Reynolds, who dubbed his effort "three strikes and you're out," worked with two Fresno Assembly members, Republican Bill Jones and Democrat Jim Costa, to craft a bill out of his idea. But their venture came to naught as the original three-strikes bill died before an Assembly Public Safety Committee.

Frustrated by this legislative failure, Reynolds converted his bill into an initiative and began to gather signatures to place it on the ballot. His effort attracted little attention until the Klaas kidnapping and its subsequent crush of publicity. At that point, politicians began scouring for vehicles upon which to bandwagon their tough-on-crime attitudes. One who found Reynolds was Congressman Michael Huffington (R-Santa Barbara), a candidate for the U.S. Senate, who signed on as a sponsor and co-chair of the initiative campaign and seeded Reynolds' activity with money. In addition, the newly formed Polly Klaas Foundation helped gather petition signatures.

Meanwhile, the public outcry over Klaas' killing helped spark renewed legislative efforts, with lawmakers nearly trampling themselves to introduce tough-on-crime bills. The resultant package of crime legislation included some half-dozen three-strikes options. All of them progressed quickly through the legislative process, but the most vociferous political pressure was applied on behalf of Reynolds' original bill. Although many lawmakers thought another version — authored by Assemblyman Richard Rainey (R-Walnut Creek), a former Contra Costa sheriff — was a better alternative because it applied only to violent crimes, Reynolds and his legislative allies refused to compromise. Even though Marc Klaas, father of the slain teenager, supported the Rainey bill, the Legislature ultimately passed only the Reynolds bill.

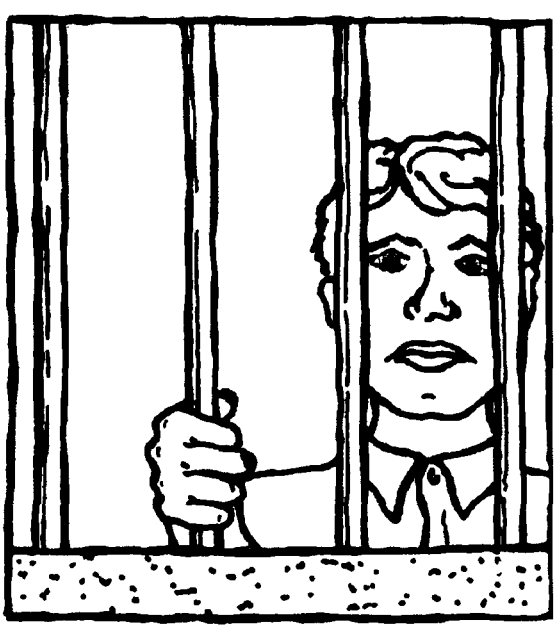

Illustration by Rob Wilson

Governor Pete Wilson signed it into law.

While this seemingly took away the necessity for the initiative, Reynolds and his supporters continued their campaign, asserting that they were safeguarding the law against the bogy of legislative tampering. Several legislators did try to put an alternative three-strikes bill on the ballot, using provisions from the Rainey proposal and supported by the District Attorneys' Association. This version would have limited the third strike to violent or serious felonies and disqualified residential burglary, which supporters said would save the state billions of dollars. But the governor made it clear he would veto the effort, and the alternative died.

Proposal: Under the terms of Proposition 184, if a criminal has had one previous serious or violent felony conviction, the mandatory sentence for a second such conviction is doubled. After two violent or serious felony convictions, any further felony, non-violent or not, will trigger a third strike; the mandatory sentence will then be the greater of: 1) three times the term ordinarily required, 2) 25 years, or 3) a term determined by the court. Crimes committed by a minor of at least 16 years of age count as strikes. The amount of credit that a second- or third-strike felon can apply towards eventual release is reduced from one-half to one-fifth, and probation is not an alternative. The Department of Corrections has estimated that about $20 billion will be needed over the next 10 years to build prisons to house three-strikes prisoners. Additional operating costs are estimated to start at about $200 million in 1995-96, reach an extra $3 billion by 2003, and grow to about $6 billion annually by 2026.

Arguments for: Major proponents of Proposition 184 include the National Rifle Association, the California Correctional and Peace Officers' Association, and Michael Huffington, all sponsors with lots of money. They argue that a small percentage of criminals commit a disproportionately high percentage of crimes. By locking up these repeat offenders, proponents say, the crime rate will fall substantially, both through the prevention of crimes and through a strong deterrent effect on would-be offenders. The costs of incarcerating these people for near-life sentences will more than be offset by savings produced by preventing potential crimes.

Argument against: Opponents, including Marc Klaas, the head of the Klaas foundation, and San Francisco's Center on Juvenile and Criminal Justice, say that the initiative's net is spread too wide; that it will lock up more non-violent offenders than violent. The result will be a huge drain on the taxpayer resources, requiring cuts in other services. There also are questions about the measure's constitutionality, particularly the provision that treats past juvenile crimes as strikes. Since juveniles are not given jury trials, this is viewed as a serious flaw. Several judges have refused to enact the law's provisions, claiming that the inflexible sentence enhancements are in violation of the ban on "cruel and unusual punishment." Finally, opponents point to the fact that the initiative does nothing to change existing law.

— John Borland

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185 Public Transportation Trust Funds. Gasoline Sales Tax.

An initiative statute that provides for an additional 4 percent tax on gasoline sales. Revenue would be used for electric rail and clean fuel buses, light rail, commuter and intercity rail systems, and other transportation-related programs, including wetlands, riparian habitat and parks.

Background: The operating and maintenance costs of the state highway system are funded mainly from motor vehicle fuel taxes — or "gasoline taxes" — and commercial vehicle weight fees — or "truck fees." In the 1993-94 fiscal year, California spent approximately $880 million to maintain and operate state highways. Local roads and streets were maintained by cities and counties. Transportation experts are concerned that while maintenance and capital costs are rising, revenues are dwindling. All this aside, Proposition 185 marks the latest in a string of initiatives sponsored by the California Planning and Conservation League, and its executive director, Gerald Meral. In the past, the PCL has placed initiative bond measures before the public, and has been successful in winning their passage. Their efforts, however, also earned the scorn of legislators and other opponents, who claimed that the League's proposals amounted to "Christmas trees," because, they charged, the PCL used bond money to fund the pet projects of various special interests in exchange for those interests' financial support in qualifying and passing the initiative. The PCL's most recent bond effort — Proposition 180 for state parks — was defeated by voters during the June primary election. This time, the League has eschewed bonds as a funding sources for its measure and instead proposed upping the gasoline tax.

Proposal: This measure imposes a 4 percent sales tax on gasoline — not diesel fuel — beginning January 1, 1995. This new sales tax is in addition to the existing $.18 per gallon state tax on gasoline and diesel fuel and the average sales tax of approximately 8 percent imposed by the state and local governments on all goods, including gasoline. Revenues generated by the increased tax will be used to improve and operate passenger rail and mass transit bus services, and to make specific improvements to streets and highways. The measure also contains various provisions that generally place restrictions on the use of certain state and local revenues for transportation purposes. Earthquake safety projects and electric and clean-fuel vehicle research and development, an early priority, would expire in 2000 and 2010, respectively. High-speed rail in along the Los Angeles-San Francisco corridor would be a priority, as well as transit services in the Yosemite and Lake Tahoe areas. Based on current gasoline prices and consumption levels, the measure would generate about $630 million annually.

Arguments for: Proponents include officials from the Congress of California Seniors, the Coalition for Clean Air, the Planning and Conservation League, Citizens for Reliable and Safe Highways, and the California Public Interest Research Group. They claim that the measure is a comprehensive transportation plan that will streamline and revitalize California's transportation system — and therefore California's economy — while ensuring that the revenue is specifically used for transportation projects, mostly by local governmental agencies. The Legislature, they claim, has taken money allotted for transportation and spent it for other purposes, and has allowed large amounts of money to be spent on bureaucracy. Funds also will be used to reinforce bridges and roads against earthquake damage — a high priority in earthquake-prone areas, especially in light of the Northridge earthquake.

Arguments against: Opponents include officials from the California Transportation Commission, the California Highway Users Conference, the California Taxpayers' Association, the California Business Alliance, and the Alliance of California Taxpayers and Involved Voters. They argue that the additional tax is a permanent tax that can't be limited in the future and would hurt the state's fragile economy. Also, the initiative identifies too many specific programs or "pet projects" rather than allowing regional and local transportation planners decide how best to spend the funds. Priorities in the initiative are those of the proponents and their groups, not of the citizens of California, opponents say. Funding for earthquake safety isn't adequate in this program, they claim, and priorities established in the measure are not in line with the state's real needs. They favor cutting waste and carefully selecting projects to create a better solution to California's transportation problems.

— Mary Beth Barber

186 Health Services. Taxes.

An initiative constitutional amendment, known as the Health Security Act, that sets up a health-services system for all Californians, creates an elected post of Health Commissioner, establishes taxes on employers and individuals and imposes a surtax on tobacco products.

Background: For years would-be reformers have struggled to shake up California's health-care system in hopes of making a dent in the state's burgeoning uninsured population. In 1992 the California Medical Association put an initiative on the ballot for employer-mandated coverage. Then Insurance Commissioner John Garamendi devised a plan for universal coverage that passed both houses of the state Legislature, and Senator Nick Petris (D-Oakland) authored a bill that called for a state-sponsored, tax-financed Canadian-style single-payer system. But voters rejected the CMA

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initiative, Governor Pete Wilson vetoed the Garamendi plan and the Petris bill died in the Senate.

The recent growth in California of for-profit managed-care organizations has angered health practitioners and consumers, who worry that business concerns are dictating treatment choices. In December, a Southern California jury returned a $89 million verdict against HealthNet in a lawsuit brought by a terminally ill breast cancer patient who couldn't get coverage for a bone marrow transplant.

This legislative session, lawmakers — working closely with the California Medical Association and specialty pro-

Illustration by Rob Wilson

vider groups — have sponsored a number of bills designed to tighten state HMO regulations. Bills pending in the Senate and Assembly would require HMOs to liberalize treatment denial appeals, mandate coverage of certain experimental treatments, ban the practice of giving financial bonuses for HMO staff who deny treatment claims and require disclosure of administrative expenditures. Insurers and HMOs are fighting the legislation, saying some proposals will undercut their efforts to keep costs down by ensuring only medically appropriate and necessary treatments are covered.

The notion of implementing a government-run single-payer system to replace the increasingly complex network of insurers and HMOs is increasingly appealing to organized medicine, an interest group that once rejected the idea as too radical. Although the CMA does not support single payer, the group is not fighting Proposition 186. In a statement explaining CMA's position on single payer, the organization issued a pointed indictment of the existing system. Privately, CMA officials say support among providers for single payer is growing dramatically, even among this group's traditionally conservative membership. Some physicians, especially specialists, see single payer as the only way for independent practitioners to survive in a world increasingly dominated by managed-care organizations.

Needless to say, the problem of the uninsured and underinsured has not gone away during the statewide policy debate. An estimated six million of California's 32 million residents do not have any health insurance and are not eligible for Medi-Cal or Medicare; many of these residents rely on emergency rooms and other public "safety net" programs for urgent health-care problems or go without care.

Proposal: Proposition 186, the California Health Security Act, was written by a group of physicians who believe that private, and especially for-profit, insurers are a major part of California's health-care problem. Their initiative would institute a Canadian-style health-care system in which the state would become the "single payer" administering and financing health benefits for all Californians. This measure promises generous medical, dental, vision, mental-health and long-term care benefits to all state residents. Benefits would be financed by income-tax increases (2.5 percent for all individuals and an additional 2.5 percent for those with incomes above $250,000; $500,000 for couples), payroll taxes of between 4.4 percent and 8.9 percent per employer depending on the number of persons employed, and a $1-per-pack surcharge on cigarettes. The measure also allows the Legislature to redirect funds from government-funded health-care services for low-income residents to support the single-payer system. The proposal assumes that by eliminating private insurers and drastically reducing overhead and administrative costs, the system could save enough money to underwrite the extensive benefit menu. The payroll and income taxes would raise an estimated $40 billion; the amount available to underwrite the system would total $75 billion when public health-care program funds are added to the tax revenue estimates.

But the system is largely untried and it's impossible to precisely estimate potential costs. The measure would authorize the Legislature to reduce or increase taxes if necessary to maintain benefits. The measure also is emphatic that it is "the intent of the people" that spending in any year not exceed the prior year's expenditures, adjusted for changes in the gross domestic product and population. The system would be administered by a new statewide elected Health Commissioner with far-reaching authority to negotiate provider fees and drug prices, set hospital staffing ratios and institute cost-containment measures, including limits on elective care and co-payment increases, if necessary to keep spending in check.

The legislative analyst concludes that the measure would have a negligible impact on the state's economy as a whole, but concedes that impacts are difficult to predict with any certainty. Some small employers might be forced to cut jobs, especially in lower wage occupations; while others, who now offer health benefits, might save money because their payroll tax might be lower than their present health-care bills. Businesses might also see their workers' compensation costs drop. The state would lose tax revenues now collected on premiums sold by for-profit ventures in the state; but might benefit from having a healthier and more mobile workforce that does not lose benefits due to job changes.

Arguments for: Supporters of the measure, who include the Physicians Alliance, Health Access, the California Congress of Seniors, the California chapter of the American Association of

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Retired Persons, the League of Women Voters, Consumers Union, the American Nursing Association and a long list of state and national labor unions including the California Teachers and Service Employees International unions, argue that private — and especially for-profit health care providers — are driving up the cost of health care. Eliminate the profit motive, the insurance middleman and the associated administrative, bureaucratic and marketing expenditures, and the system can eliminate unnecessary care and funnel premium dollars into direct services to more people. Proponents say they retained those aspects of the failed Petris bill that passed legislative muster during the 1992 hearings and refined other provisions after consulting with health-care policy experts. They insist their program is hard-headed, economically sound and workable. They say their system offers choice, universal coverage and a wider range of benefits than most Californians have now. Because the measure offers coverage for long-term and home care, elderly and disabled persons and those whose health conditions require extensive long-term care would no longer have to worry that their health care bills will bankrupt them or their estates. Proponents also argue that businesses that provide health benefits now pay between 10 percent and 17 percent of their payroll for this insurance. Even at the highest payroll tax bracket, these companies would pay less under single payer. Advocates argue that the system would reduce the cost of living and of doing business in the Golden State, eliminating the need to buy duplicate medical coverage on automobile or homeowner insurance policies. Despite the income tax increases, they argue that taxpayers would come out ahead, too; their tax bills would be lower in most cases than their current health-care expenditures.

Arguments against: Proposition 186 opponents include many of the groups that are fighting President Bill Clinton's national health-reform plan, including major insurance companies, the California Association of HMOs, the California Association of Hospitals and Health Systems, the National Federation of Independent Businesses, the Organization of Nurse Executives, the California Taxpayers Association and the California Chamber of Commerce. Governor Pete Wilson and his Democratic gubernatorial challenger, Kathleen Brown, have both come out against 186. Opponents say the measure would devastate the state's economy, bankrupting some small businesses and driving others from the state. An economic study commissioned by the opposition coalition concluded that single payer would eliminate 300,000 jobs. Opponents say the financing mechanisms could not support the generous benefits offered. They predict that once the real costs of these benefits become clear, the Legislature would either have to raise taxes or ration health care. Critics argue that the Health Commissioner would have too much authority and predict that the new system would create a monstrous, expensive and unwieldy bureaucracy. Opponents contend that it's dangerous to abandon a health-care system that works so well for so many Californians in favor of a program that has never been tested here.

— Carol Brydolf

187 Illegal aliens. Ineligibility for public services. Verification and reporting.

An initiative statute, nicknamed the "Save Our State" initiative, that seeks to deny public social, educational and health services to aliens who are in California illegally.

Background: As certain as the seasons, issues surrounding illegal immigrants and their rights in society come around again and again. As humanity speeds toward the turn of a new century, a look back offers glimpses of a conflict that has surrounded immigration in this state since California joined the union. In early 1900, for example, the Legislature fervently debated for seven straight sessions the issue of "alien land laws," as though it were the annual state budget. The 1913 Legislature made no apologies when it ultimately passed a law designed to prevent Asian immigrants from owning and leasing agricultural land despite its clear intent to suppress undocumented residents. The law was signed by Progressive Governor Hiram Johnson over the objection of President Woodrow Wilson.

Today, one of the cornerstone issues of the 1994 governor's race involves illegal immigration. A major issue in all border states, illegal immigration appears to be a puzzle government and society alike have been unable to solve. But even in California, where the U.S. Immigration Naturalization Service reports an estimated 1.6 million undocumented immigrants live, voters recently polled ranked 13 other issues as more pressing for the state. Nonetheless, immigration reform is on the table and an initiative has qualified for the ballot that would exclude immigrants unable to prove their legal residence status from public education, non-emergency health care and public social services like welfare. Recent polls show the measure is favorably received by 60 percent of voters surveyed.

The constitutionality of the measure is already being questioned. The Senate Office of Research warns that in many instances, the initiative conflicts with state and federal laws. Currently, no child is denied public education based on legal residence status; the Supreme Court ruled in 1982 in *Plyler v. Doe* that undocumented children are entitled to a public education. A measure similar to Proposition 187 failed on the street during the signature-gathering phase when it did not obtain the signatures to back it. The abandoned measure did not contain the education ban, which its backers had feared would raise the cockles of the influential California Teachers Association (CTA). It did; the CTA opposes Proposition 187. The education exclusion doesn't apply to publicly funded higher education; however, University of California and California Community Colleges generally require students who are illegal immigrants to pay the higher, non-resident tuition. California State University does not charge higher fees based on legal residence of the student. Also, any child living in California may receive welfare or foster care benefits under Aid to Families with Dependent Children (AFDC).

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A rather tricky provision in the initiative calls for verification of legal residence and the reporting of "suspected" illegal immigrants to officials. Currently, no mechanism exists to verify residence, outside of the "green card," and the Legislative Analyst's office estimates it would cost $100 million in the first year alone to create a system to comply with the law.

In April, a federal lawsuit was filed by Governor Pete Wilson to try to recoup money he said the state spent providing public services to illegal immigrants. Although it was immediately labeled by Democrats as election-year politics, it linked Wilson's name with the issue and the initiative, which he has endorsed. His Democratic challenger, Kathleen Brown, opposes it. While the legislative analyst reports that annual savings would be roughly $200 million to the state and local governments, opponents point out that the measure jeopardizes needed federal money, to the tune of $15 billion.

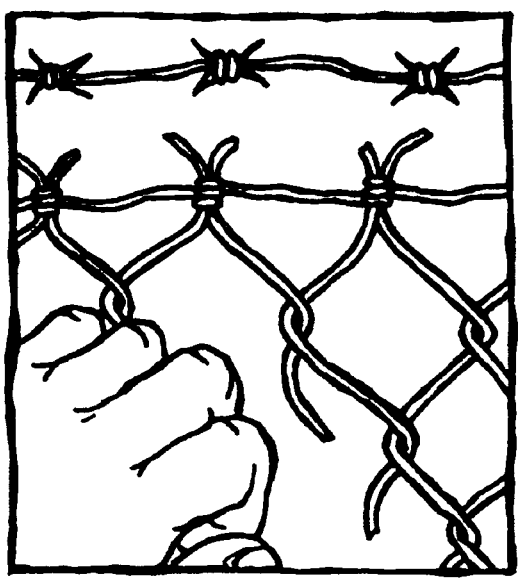

Illustration by Rob Wilson

Proposal: Proposition 187 bans illegal immigrants from public social services, non-emergency health care and public education. Various state and local agencies would be required to report anyone suspected of being an illegal immigrant to the state attorney general and U.S. Immigration and Naturalization Service (INS). The attorney general would be required to maintain records and transmit reports to INS. Manufacturing, distributing or selling false citizenship or residence documents — illegal under existing state law — would become a felony. The proposal's fiscal impact would be felt three ways, the legislative analyst estimates. State and local governments would realize savings from denying certain benefits and services to persons who cannot document their citizenship or legal immigration status, and this could amount to $200 million annually, based on INS estimates. However, the state, local governments and schools would incur significant costs to verify citizenship or immigration status of students, parents, persons seeking health care services or social services, and persons who are arrested. This could total tens of millions of dollars annually, with first-year costs considerably higher, potentially in excess of $100 million. Finally, there would be a potential loss of federal funds — up to $15 billion annually in federal money for education health and welfare programs due to conflicts with federal requirements.

Arguments for: Mainly backed and funded by Republican interests, the primary proponent is Assemblyman Dick Mountjoy (R-Monrovia). The measure was written by Alan Nelson, a former federal immigration commissioner under President Ronald Reagan, and Harold Ezell, western region commissioner of INS during same period. They claim Proposition 187 will end the "illegal alien invasion" and ultimately "save our state." Because welfare, medical and educational benefits are the "magnets" that draw illegal immigrants to the state, proponents claim, access to such services should be cut off. They also claim that opposition to the measure is funded by special interests which reap the benefits of providing services to illegal immigrants, such as public unions and medical clinics. Proponents state that government has been derelict in controlling the borders, so it falls upon the state to "send a strong message that California will no longer tolerate the dereliction of the duty by our politicians."

Arguments against: Los Angeles County Sheriff Sherman Block, CTA President D.A. "Del" Weber, and California Medical Association President Ralph R. Ocampo say that Proposition 187 is closer to the bull's tail than the bull's eye. The question of how to deal with illegal immigration is not, they claim, whether or not to provide public services to illegal immigrants but rather what should be done to "beef up enforcement at the border." While opponents concur that illegal immigration is a real problem, they say that 187 is not the solution. Border enforcement and cracking down on employers who hire illegal immigrants are part of the answer opponents say is not addressed in the initiative. Financially, they argue that combining new costs that would be incurred to enforce the verification requirement with billions of dollars in federal monies would place at risk $15 billion. Opponents say this is the equivalent of risking $150 for every dollar saved. They also point out the public health risk of denying illegal immigrants basic services such as immunizations, which help control communicable diseases. Among other groups opposed to Proposition 187 are the California Association of Hospitals and Health Systems, the League of Women Voters and the Congress of California Seniors.

— Nancy H. Martis

188 Smoking and Tobacco Products. Local Preemption. Statewide Regulation.

An initiative statute that pre-empts local smoking ordinances and replaces them with a single, limited statewide ban that allows regulated smoking in most public places

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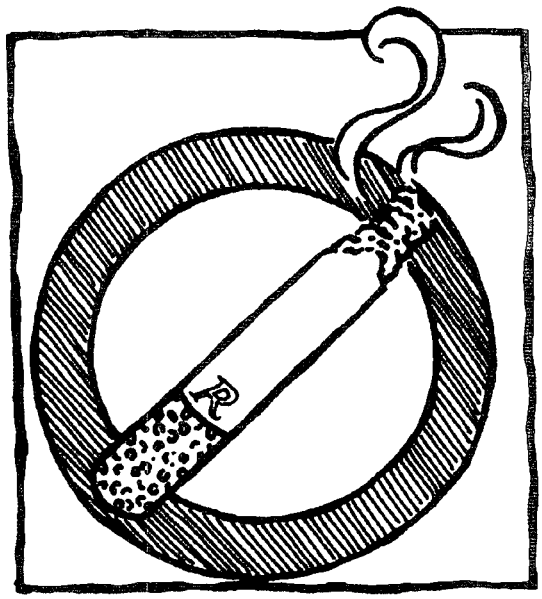
Background: Local governments have been wrestling for years with the question of how to regulate smoking in the workplace and in public areas. Several have adopted individual local ordinances with varying degrees of stringency. Some allow several exemptions, while others, such as those in Davis and Berkeley, are virtually complete indoor smoking bans. Tobacco companies, restaurant owners and many in the tourism industry dislike these ordinances, and have urged states to pre-empt them by either banning them altogether or by imposing their own standards. Last year, legislation was introduced, with the support of the state's restaurant association, that would essentially ban smoking in the workplace. While several exemptions were added by the Legislature, AB 13, which was signed into law in July of this year, is considered the strongest indoor smoking law in the country. It also retains the right of local governments to enact even stricter anti-smoking laws. Tobacco companies and some restaurant and hotel owners tried to block the law in the Legislature by offering a counter-measure that included the local pre-emption provision. Failing that, they formed a coalition and, with financial support from tobacco giant Philip Morris, circulated petitions to qualify what became Proposition 188. After signatures had been gathered, however, the petitions themselves were challenged as misleading, and among the challengers was Acting Secretary of State Anthony



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Miller — the Democratic nominee for secretary of state. Once Proposition 188 qualified for the ballot, Miller went to court to have it removed, charging that many of those who signed petitions were not informed about Philip Morris' involve-

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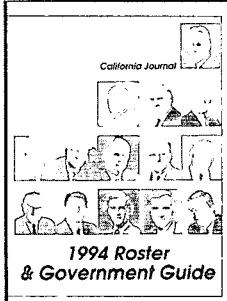

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ment. Miller's petition was thrown out of court.

Proposal: This initiative would supersede and repeal all local smoking ordinances, as well as the new statewide indoor smoking law signed this July. In their places would be one statewide standard that permits smoking in bars, gambling and sports facilities. Smoking sections would be permitted in restaurants, private offices, and business conference rooms with modest conditions. The location of tobacco vending machines and billboards would be regulated and the penalty for selling tobacco to minors would increase. The measure could be amended by a two-thirds vote of the Legislature. The legislative analyst predicts likely, but unknown, increases on state and local health-care costs and also increases in state tobacco tax revenues.

Arguments For: Proponents include the tobacco company Philip Morris, the San Francisco Hotel Association, the International Hispanic Chamber of Commerce, numerous individual restaurants, hotels and labor organizations. They argue that Proposition 188 offers a balanced approach to indoor smoking by allowing smoking in restaurants and other workplace locations that are properly ventilated. They maintain the current system of local ordinances creates a patchwork that harms businesses in areas where stricter ordinances are enforced. They also argue that stricter laws, such as the newly signed law, go too far, infringing on the rights of businesses that have smokers or want to allow smoking. They contend anti-smoking advocates opposing the measure are zealots, and won't be truly happy until smoking is banned everywhere.

Arguments Against: Opponents include former Surgeon General C. Everett Koop, the American Lung Association, the American Heart Association, the American Cancer Society, the California State PTA, the California Nurses Association, the California Medical Association, various public-health officers, consumer senior and law enforcement organizations. They argue that Proposition 188 is being misrepresented by its supporters as an anti-smoking law. In truth, argue opponents, the initiative will make it impossible to pass any law restricting access to secondhand smoke, as the law virtually guarantees that some smoking areas will be present in all workplaces. They argue that the proposed ventilation standards are ineffective. The local pre-emption clause, they argue, has been a tobacco industry goal for a decade, and the fact that Philip Morris, the nation's largest tobacco company, is bankrolling the initiative proves that it is a "Trojan Horse."

— Steve Scott

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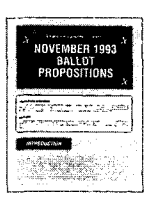

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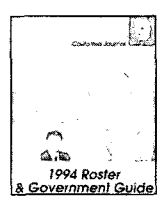

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The new literacy

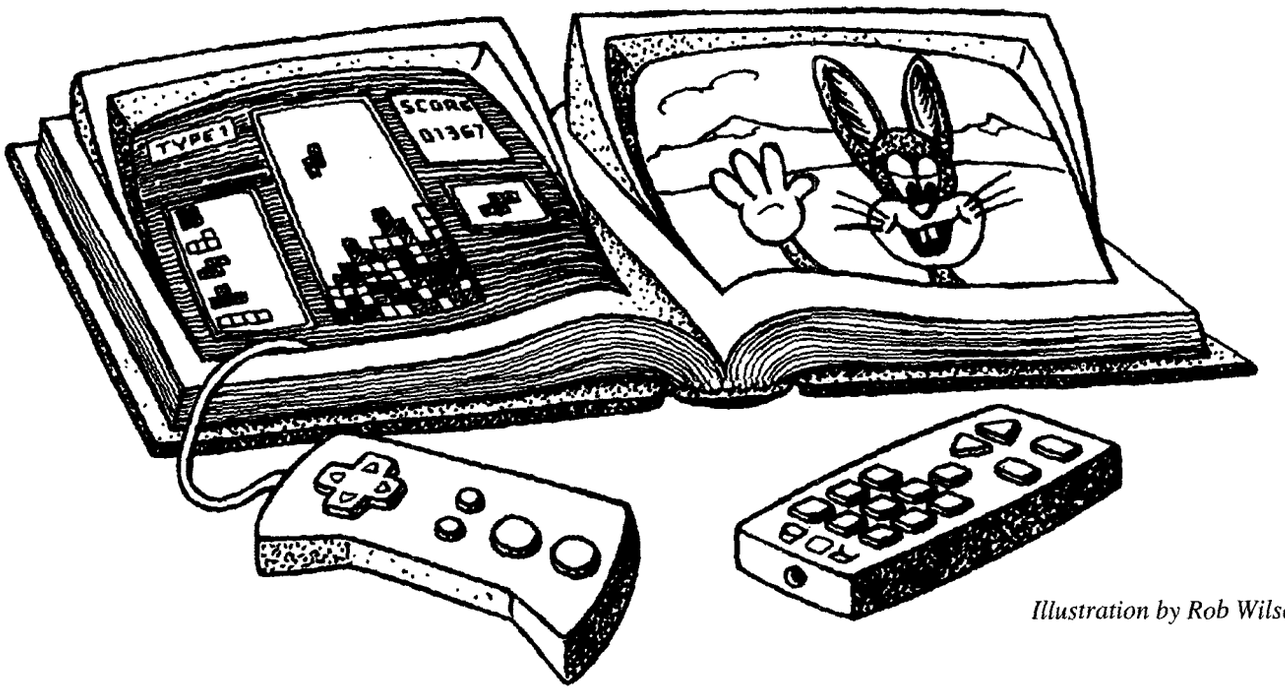

Illustration by Rob Wilson

It ain't the same as it used to was

By Kirsten Mangold

Brian (not his real name) is 24 years old. He lives with his parents in Vallejo and spends most of his days on the couch, watching television and "thinking about" applying for another laborer's job. He hates going through the application process, and he's discouraged because employers never seem to call back. He thinks it might be because his spelling is so terrible; on his last application, he couldn't remember how to spell "friend."

Like his father, Brian is a 10th-grade dropout. But unlike his father, who works 50-hour weeks in a warehouse, Brian is unemployed. He lost his last job in a bakery for making too many mistakes with the recipes, and he grudgingly admits that he had trouble reading the directions. He knows that he's at a disadvantage for jobs, but he's loath to go through the hassle of studying for the GED. He likes to joke that, "I ain't illiterate, my parents was married." As long as his mother — a third grade teacher — lets him stay at the house, he'll manage.

Back in the days following World War II, even a high-school dropout could get a decent job, train on site, and eventually learn enough to take over a business. He could make enough to support a family and live comfortably. Even as late as 1976, *Webster's New Collegiate Dictionary* defined "literate" as "educated, cultured, able to read and write," and "versed in literature or creative thinking." But in the 1990s, "literate" may not mean the same thing. Perhaps one of the best modern definitions comes from Educational Testing Service — the Princeton, New Jersey, firm that created the Scholastic Aptitude Test (SAT). According to an ETS report, *Becoming Literate About Literacy,* issued earlier this year, literacy means "using printed and written information to function in society, to achieve one's goals, and to develop one's knowledge and potential."

ETS, like most educators nationwide, has recognized that changes in society have added new requirements to "literacy." Proficiency in "the three Rs" alone no longer means an individual can function in society; the definition is too narrow. Balancing a checkbook, filling out a job application and reading a bus schedule all involve a certain degree of literacy, perhaps enough to function in 1950 America, but perhaps *not* enough to function in 1990 America, and beyond. The ETS report also advanced a notion long held by many in the California business community — that educators and employers have differing views of literacy.

"It is no wonder that schools often turn out graduates they think meet reading standards, while employers (or

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Literacy levels

One: locate one piece of information in a short news article; sign one's name; locate time of a meeting on a form; use a simple pie graph; total a bank deposit entry (equal to an "F" grade)

Two: interpret instructions from an appliance warranty; locate two features of information from a short article; locate an intersection on a street map; fill out application for social security card; locate eligibility from table of employee benefits; calculate postage and fees for certified mail (equal to a "D" grade)

Three: write a brief letter explaining an error made on a credit-card bill; identify which part of a news article provides interpretation of the situation; enter information given into an automobile maintenance form; use calculator to calculate differences between regular and sales price from an advertisement; calculate miles-per-gallon using mileage chart (equal to a "C" grade)

Four: state in writing an argument made in a lengthy newspaper article; compare two metaphors used in a poem; use a bus schedule to determine appropriate bus for given set of conditions; use information stated in a news article to calculate the amount of money that should go to raising a child (equal to a "B" grade)

Five: interpret a brief phrase from a lengthy news article; summarize two ways that lawyers may challenge prospective jurors; use a table to understand the differences between credit cards; give written, analytical responses to editorials; determine shipping and total costs on an order from for items in a catalog; use a calculator to determine the total cost of carpet to cover a room (equal to an "A" grade)

Source: Educational Testing Service

prospective employers) of some of these same students find them grossly deficient at the literacy tasks demanded by the workplace," wrote ETS consultant Paul Barton in the report's executive summary.

In 1992 the ETS polled a nationally representative sample of adults age 16 and over to chart the literacy levels of America's work force. On a scale of one-to-five in the areas of prose, document and quantitative, ETS pieced together a surprising picture — 21 percent of adults are at prose Level One, meaning they can locate a single piece of information in a text when there is little distracting information (see box, left). Twenty-seven percent of adults are at Level Two; 32 percent are at Level Three; 17 percent are at Level Four; and 3 percent are at Level Five. In scholastic terms, that means that only two in 10 of all adults rate a "B" or above in reading comprehension. The numbers are similar for the document and quantitative literacy tests.

In the executive summary, ETS warned that its test shouldn't be interpreted to mean that public schools are failing. Typical instruction in school reading is centered on decoding words and comprehending what is read, usually literature. Literacy in adult life, the report said, means considerably more than that.

"We can't use the results of this literacy survey to measure the quality of schooling until schools are teaching, more directly, what such literacy surveys are measuring," report author Barton wrote, a view shared by many educators.

Another study by the U.S. Department of Education reports that 26 percent of California adults can do no more than the most basic tasks involving literacy — write out a deposit slip or calculate postage, which roughly equates with ETS' Level One. Of those that scored at the lowest level, 59 percent were foreign-born and 41 percent were native-born. The study is a California version of a national analysis released last September, but it has not yet been released to the public because state officials say they still are trying to analyze it. But education experts like Bill Honig, the former superintendent of public instruction who now works with San Francisco State University, say the numbers are not surprising.

"When the public thinks of literacy," Honig said, "...they mean getting the gist of something you're reading. But there are a lot more nuances to it than that. You have to be able to organize and understand information and make your own argument."

Indeed, part of the problem for educators is understanding and learning to apply new definitions of literacy. Bill Vasey, a consultant on high schools with the state Department of Education, said that the department knows of the problem and is trying to solve it. He points to the California High School Networks Project as an example; the program has recruited high schools from around the state to try new teaching techniques, ultimately creating a model for the 21st Century high school, which Vasey says will be vastly different than today's schools.

"It's not a prescription, it's a vision," Vasey said. "It's an invitation to the school and community to help discover things that will work." Among the proposed suggestions is for a program to get students involved in the business world while still in school, so they may explore future options and test their skills at an earlier age.

Sir Francis Drake High School in Marin County is one such "experimental" high school. Barbara Granicher was Drake principal three years ago when it established a three-hour afternoon program for 40 student volunteers. The program offered a core study session for English, biology and technology, as well as access to 28 IBM computers to assist with group study work. Drake High also sponsored two "academies" in communications and engineering for students who wanted to try those vocations before making a post-graduation commitment, and set up partnerships or "mini-internships" with local businesses.

"We tried to encourage all kids to plan on an education beyond high school, whether it was technical or academic. The whole concept of lifelong learning is a foundation of the educational system," Granicher said. "It helped them become independent learners; they could leave high school with the confidence to move on. It gives them the knowledge that they can accomplish something."

Granicher added that although the vast majority of the students who volunteered for Drake's experimental program were successful, she doesn't believe her program is the only way to

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help students achieve and be functionally literate.

"Schools in general need to promote learning by doing instead of just traditional academic learning," she said. "There are so many more things to consider now — different styles of learning, diverse cultural backgrounds and language considerations. Literacy means taking all those things into consideration and educating all children well."

Some school districts, as well, recognize the need to enhance their curricula. In suburban Sacramento, the San Juan School District requires all students to pass a computer literacy exam in order to graduate. Required skills include word processing, spreadsheet and database, as well as fluency on both Macintosh and IBM formats.

"These are skills the business community has told us are needed," said Christine Olsen, public information officer for the district. "As a school district, we are interested in helping our students at all levels to compete in the global economy, whether or not they go on to college. These days, they need this kind of education to succeed."

Olsen said that although the proficiency exam is only required at the higher grade levels, computer instruction begins in elementary school, and most district fourth graders can pass the database portion of the test.

Vasey said that while his department doesn't have a set definition for "literacy," it is understood to mean the need to be able to read and communicate, to be able to analyze and plan ahead in a democracy and to be more flexible and adaptable than previous generations.

"In this office, we don't consider college to be the major goal," he said. "Technical skills are needed in this democracy, too. Some schools focus just on college, and others just on the technical aspects. There are many kids in the middle who don't go to college and don't have skills, either. They float around for about 10 years, staying only marginally employed.... We need to offer these kids more options."

But for adults like Brian, those who have already slipped through the cracks, the prospect of new high schools means nothing. He falls into one of two categories of illiterates: native-born and immigrants. They have a wide range of skills, and generally need individual attention and tutoring.

That help is available. In Sacramento, for instance, Mary Buehler has managed the Sacramento Literacy Program out of a church office since 1976. She said she sees a wide range of people, all of whom need individual help. She counsels them and sets them up with a tutor, who brings their skills up to a level where they can go on to adult education schools. About one-quarter of her students are native-born and, she said, the most secretive about their problems and the most impatient to solve them.

Buehler said that illiterate people, particularly the native-born, often come to the Literacy Project as a last resort when a spouse dies, a divorce occurs, or some other calamity makes it impossible to function independently in society.

Literacy tutors work about twice a week on an individual basis with the 250 to 300 students enrolled in the program at any given time. Buehler explains that the program is private and funded by donations, although as the only paid employee, her salary is provided by the school district. Buehler also speaks highly of similar programs run through libraries, which are funded by a combination of grants from the state Department of Education, plus added funds from taxes and the Friends of the Library contributors. Library programs, however, refer all non-English speaking people to other programs and tackle only native-born adults with low reading comprehension skills. It is designed to bring them up to a sixth-grade reading level. Library tutors also focus on teaching people to read prescriptions and write checks.

But services offered through the library program are limited by state rules on spending money. "There are clear guidelines on how adult education money can be spent," said Susan Lange, spokeswoman for the state Department of Education. "Most of it is spent on non-English speaking people. We teach kids to read, not to be literate, and once adults pass a proficiency test, they don't get funded any more."

Why the alarm over literacy? The ETS study shows parallels between literacy levels and function levels in society. For instance, the average Level One adult is poor or near poor, with a weekly wage of about $240. In addition, 45 percent of Level One adults have not voted in a state or national election in the past five years. On the other hand, only one in 20 Level Five adults is classified as poor, and they make an average weekly salary of $650. The California study confirms these numbers.

This June also saw the worst voter turnout ever for any California statewide election — only 35.05 percent of the state's registered voters bothered to cast ballots. Only about 26 percent of California adults who are eligible are even registered. It's easy enough to blame low voter turnout on apathy, but what of the other possible reasons? Could it be that people don't understand the issues? Or how our legislative system works? Or how to find a polling booth on a map?

The consensus of those who make a living studying the impact of literacy seems to be that the situation will only grow more dismal until the public realizes there is a problem and takes steps to change it, both for adults who have already fallen behind and for the future generations that haven't yet had the chance to fail.

"It takes different programs with the same global goal," said Drake High's Barbara Granicher. "I really hope we can make a difference."

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The race for Insurance Commissioner

Quackenbush and Torres have differing views of a job designed to ride herd on a large but arcane industry.

By Mary Beth Barber

Conventional wisdom dictates that a Republican cannot win a race for insurance commissioner. The post's title implies a consumer advocate, someone who will challenge the vast, mega-buck insurance industry on behalf of the consumer. Given generalities regarding the two main political parties — Republicans as conservative and pro-business; Democrats as liberal and pro-consumer — voters tend to lean toward Democrats, all other things being equal.

The conventional wisdom held in 1990 when Californians chose their first elected insurance commissioner — Democrat John Garamendi. Prior to 1990, the commissioner was appointed by the governor, a situation that changed when voters passed Proposition 103 in 1988. Whether it will hold again 1994, when Democratic Senator Art Torres of Los Angeles faces Republican Assemblyman Charles Quackenbush of Cupertino, remains to be seen. The race will not be won on the fringes of left and right, however, but among the vast numbers of moderate, middle-of-the-road voters.

Torres and Quackenbush come from very different backgrounds. Torres, 48, a Latino with 20 years experience in the Legislature, was weaned on politics at the side of the late Cesar Chavez, president and founder of the United Farm Workers. Torres is relatively well known in Los Angeles, thanks to his failed 1991 campaign for supervisor against Gloria Molina. In addition, his unsuccessful attempt last year to pass a pay-at-the-pump auto insurance program gained him some notoriety outside Southern California as well. He's bright, articulate and mediagenic. If there's a television crew nearby, Torres will figure out a way to get on the news. Torres changed his image somewhat after first being elected to the Assembly back in 1974, shedding his labor-Latino image for a more polished, statesman look. Insiders hint that the switch caused a rift between Torres and his one-time benefactor, Chavez, but Latino activists point out that Torres' appearance — silver hair, preppie spectacles and dark suits — gives him a wider appeal, especially with the largely Anglo electorate.

In 1992 Torres became chairman of the Senate Insurance Committee. Consumer groups dislike what they see as his tendency to "wheel-and-deal" with the industry and consumer groups — an activity that Torres' allies characterize as "compromise." As such, activists like consumer guru Ralph Nader preferred his primary opponent, Assemblyman Burt Margolin (D-Los Angeles), but Democratic voters preferred Torres, who won an expensive primary by 12 points (see *CJ*, July 1994). Should Torres win in November, he'd be the first Latino to hold statewide office in this century.

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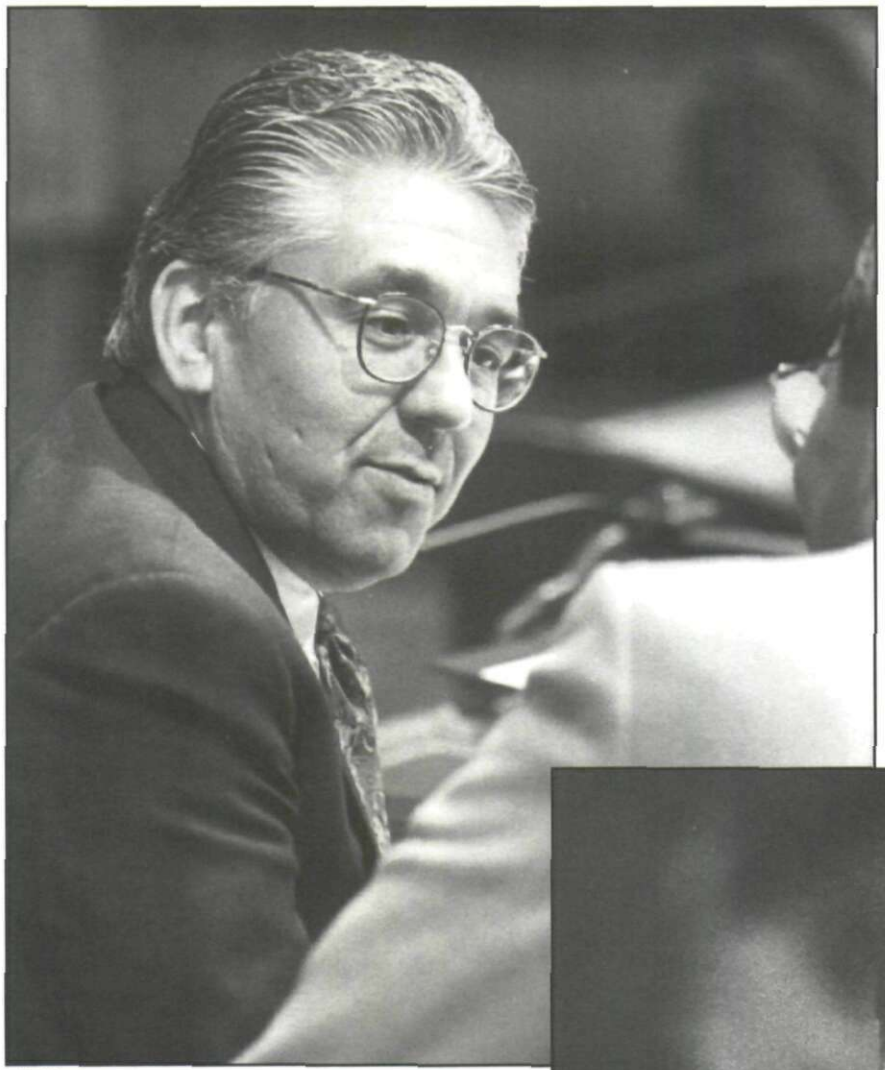
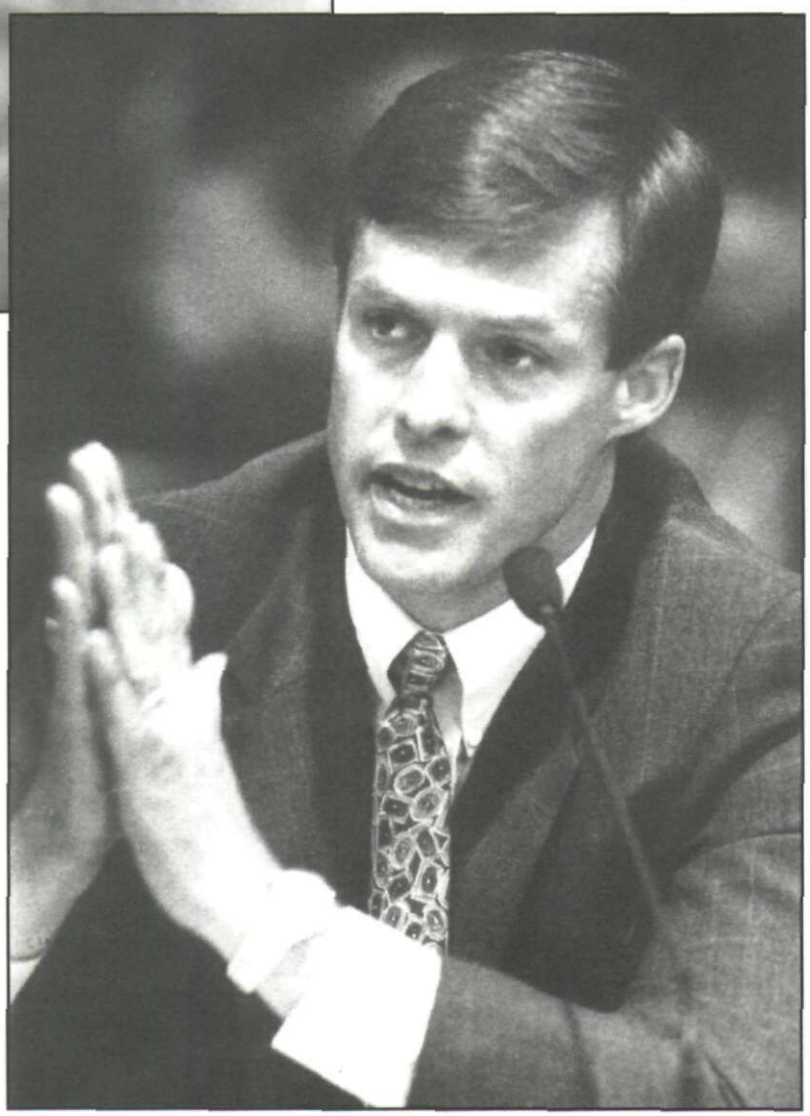


Art Torres

Despite his eight years in the Assembly, many Capitol insiders see Quackenbush, 40, as a relative newcomer. During his first two terms he wasn't at the forefront of many legislative issues, although he cast the decisive committee vote in support of a landmark bill to ban assault weapons. In terms of political orientation in a GOP caucus often split along conservative-moderate lines, Quackenbush aligned himself with moderates. A former Army captain and high-tech entrepreneur from the Silicon Valley, Quackenbush, like Torres, is mediagenic. Consultant Joe Shumate, a former deputy chief of staff for Governor Pete Wilson, is handling the Quackenbush campaign.

Making it past the primary was not easy for Quackenbush. While he beat his two main primary opponents handily on Election Day, he had to spend a lot of last minute money to do it. Southern California insurance agent Wes Bannister had name recognition from his failed 1990 run against Garamendi but little capital for an active campaign. It was former Wilson staffer Jim Conran, who used to run the state's Department of Consumer Affairs, who proved to be the most serious threat to Quackenbush. Besides providing confusion for some people in Wilson's camp over whom to support, Conran also gained endorsements from a plethora of newspapers and raised a good-sized chunk of money. While he never climbed past the teens in pre-primary election polls, observers thought Conran's old job at Consumer Affairs would give him the best chance to offset that conventional wisdom. But if the other candidates suffered from slim name recognition, Conran was doomed by an absolute absence. Quackenbush took out a huge last-minute loan to flood the media markets with his name, golden-boy image and free-market ideas, and beat both Bannister and Conran by almost 20 points.

Torres and Quackenbush don't differ much on the issues. Both agree that fraud needs to be attacked vigorously, consumers need to be protected, and the current department isn't being run



Charles Quackenbush

Photos by Rich Pedroncelli

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up to speed by Garamendi. When discussing their differences, Torres claims that voters wanted a consumer advocate when they approved Proposition 103 in 1988. Quackenbush, on the other hand, claims that California's regulatory climate has made it more difficult for most industries to conduct business in the state, including the insurance industry. Competition is the key to lower insurance prices, claims Quackenbush.

During a television debate aired locally in Sacramento last month, each time one candidate would explain his position, the other would agree or argue over minor details. For instance, both think earthquake insurance should be part of a federal disaster-insurance policy that includes quakes, floods, hurricanes and other natural disasters. Both also have distanced themselves from the current federal health-care proposal being pushed by the Clinton administration. Quackenbush already opposes it, while Torres said he will withhold judgment until his committee can hold a series of hearings later this month. Political consultant Richard Claussen — who opposes the single-payer initiative on the November ballot (see Ballot Booklet) — thinks neither can support Clinton and politically survive. "I think it would be pretty devastating," said Claussen. The only apparent difference is that Torres approves of an independent, consumer-oriented commissioner, while Quackenbush doesn't believe an independent office is necessary.

The two differ radically, however, on how to raise money to run for this post. Torres vowed not to take money from the insurance industry when he became chairman of Senate Insurance. Quackenbush, on the other hand, has accepted contributions from the industry he seeks to regulate, including a $25,000 donation from the California Life Underwriters political action committee. But Quackenbush defends his position by pointing out that Torres accepts large donations from lawyers who also are involved in insurance issues. Indeed, Torres' latest campaign filing reports are filled with addresses of law firms.

Policy details aside, the real challenge in this race is gaining the public's attention. Recent polling indicates that voters just aren't paying attention. An early August Field Poll revealed that more than half of those asked hadn't made up their minds. A similar poll just before the June primary showed the same kind of indifference. "I don't think there's been much excitement over anyone's campaign," said a disappointed Steven Miller, a pro-consumer attorney who has worked on Proposition 103-related cases in the past. If the primary serves as an example, Torres and Quackenbush will have to rely on gimmicks and paid media.

And that, of course, takes money. Lots of it. "It comes down to that's what it's all about," said GOP political consultant Ray McNally, who admitted that Democrats have a slight edge over Republicans for this post. If Quackenbush is going to win, he'll have to flood the market with paid media and spend lots and lots of cash to get himself on television. "The shrinking number of voters won't see anything after the [O.J.] Simpson trial [begins]," McNally said.

Torres, on the other hand, walks into the race with a head start. His ballot designation — Democrat — and his Latino heritage help him, especially if some sort of backlash devel-

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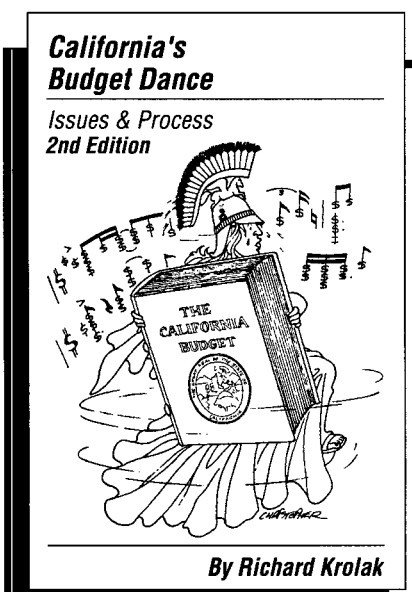

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ops against Proposition 187 — the so-called "Save Our State" initiative aimed at prohibiting social services to illegal immigrants. If Latinos are energized to fight the mostly anti-Latino "SOS" measure, their emergence could help Torres significantly. On the other hand, McNally believes that anti-immigrant feelings associated with the "SOS" drive shouldn't hurt Torres. "I don't think people go out of their way to vote against a Latino," said McNally.

Torres has one large advantage over Quackenbush: He can grab media attention from his chairmanship of Senate Insurance. Torres has attempted to gain attention from it during hearings on homeowners' and earthquake insurance — both hearings were televised on cable — but the events didn't exactly make for banner headlines. Now, however, an event may occur that could produce a golden opportunity for Torres — a state Supreme Court decision on 20th Century Insurance — the key case for the implementation of promised auto-insurance rebates under Proposition 103. As Department of Insurance spokesman William Schultz pointed out, the 20th Century decision must be made by early September. Torres could grab some attention, no matter what the outcome. If the court sides with the Department of Insurance, Torres can promise rebates. If it sides with insurance companies, he can promise to work to change the laws. Either way, Torres already has one foot on the podium while Quackenbush will be metaphorically the guy in the back of the room, frantically waving his hand for media attention.

Yet for all his advantages, Torres carries with him some negative baggage, too. In the late 1980s he was arrested twice in 14 months for drunk driving. At the time of his first arrest in 1988 he was carrying a bill to take away the licenses of minors convicted of alcohol and drug-related offenses. An admitted alcoholic, Torres went through treatment and has been dry for the past five years, says his campaign staff. But the incidents could provide powerful political fodder. Margolin tried to use the convictions in the primary, but the attack fell flat since it was out of character for the typically stalwart Margolin. Whether Quackenbush can use the incidents to his advantage remains to be seen.

The biggest disadvantage for Torres may be the electorate itself — or what's left of it. In June only about 35 percent of registered voters bothered to go to the polls. As few as one-quarter of the state's eligible voters may have actually cast ballots. Those who do vote tend to be older, white and conservative; in other words, a traditional GOP constituency. Latino activists will try to counter this trend, at least among their voters, with a strong "get out the vote" campaign, in part to help Torres but also to defeat "SOS."

Still, political insiders think voters view the insurance commissioner post as a consumer advocate, and that Democrats have the advantage in the race. "It will be difficult for a Republican to 'out-consumer' a Democrat," said attorney Miller. Many insiders placed their bets on Torres even before the primary, based on his political shrewdness and mediagenic nature. Even GOP consultant McNally said the chances are slim that Quackenbush can emerge the winner, unless he gains a large fund-raising lead. So far, his lead isn't large enough.

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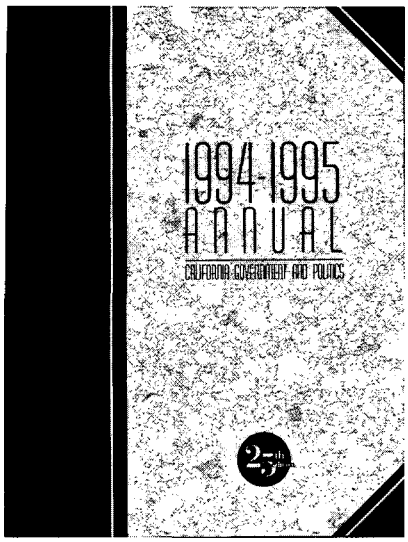

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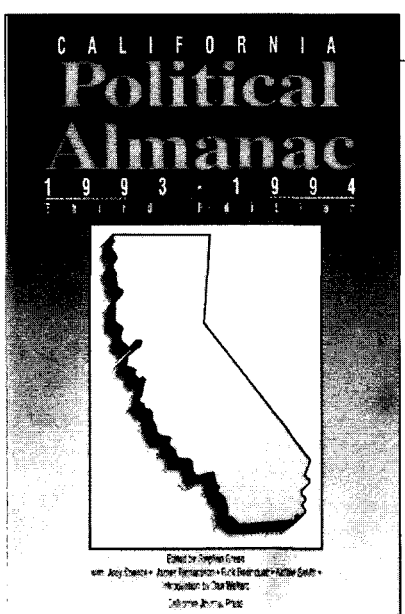

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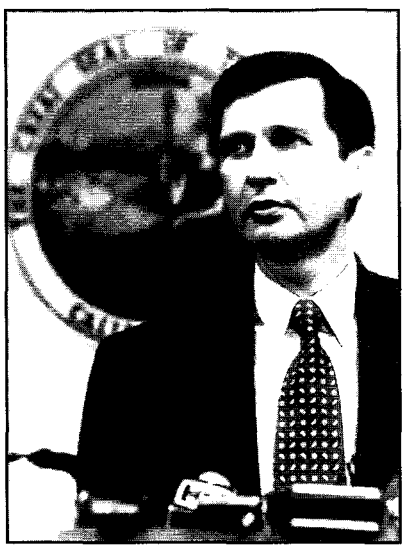
The race for Secretary of State

Veteran lawmaker, acting secretary vie to replace March Fong Eu

Bill Jones



Tony Miller

Photos by Rich Pedroncelli

By Danielle Starkey

Voters may begin wondering what crime has to do with the secretary of state's job, but that hasn't prevented Republican Assemblyman Bill Jones of Fresno from campaigning as the anti-crime crusader. In a race where victory probably will be determined more by name recognition than perceived ability to do the job, Jones, a co-author of the recently enacted "three-strikes-and-you're-out" legislation toughening penalties against repeat felons, is striving for the recognition.

As Jones plugs away with his reminders that three-strikes proves he's got a record of "getting things done," his Democratic opponent, Tony Miller, is continuing the strategy that earned him a surprise victory over two better-known and better-funded candidates in the June primary. Miller, who would be the first openly gay candidate from a major party to win statewide office, and who has worked in the Secretary of State's Office for 18 years, says he wants to continue the tradition of "fraud-free elections" maintained by his predecessor, Democrat March Fong Eu.

The Jones campaign has no intention of letting Miller get away with claiming to be the harmless bureaucrat who just wants to continue doing a good job. Jones notes that during Miller's watch, undocumented immigrants have been illegally registered to vote, among other instances of vote fraud. "The fact that the illegal alien who assassinated Mexican presidential candidate Donald Luis Colosio was registered to vote in Los Angeles is absurd — and shows that we have serious problems in our voter-registration system," Jones said.

Miller counters that election fraud has not been a big problem in California, and he invites voters to consider whether they'd prefer to have a politician in charge of the office that oversees state elections and voter registration. "Nobody knows this job better than I do, and I believe experience, not politics, should determine who is the next secretary of state," he says.

There's little doubt that Miller, who became acting secretary of state last February when Eu resigned to become ambassador to Micro-nesia, has a better handle on the day-to-day requirements of the job. He was Eu's chief legal counsel in the Secretary of State's Office from 1976-81, and her chief deputy since 1981. When he ran against two seasoned politicians, Los Angeles Assemblywoman Gwen Moore and former Los Angeles Councilman Michael Woo, his victory was summed up in two words: ballot designation. Miller was listed as "acting secretary state." Recognizing the potency of that title, Woo filed suit to challenge Miler's right to use it, claiming that Miller made it up and that it falsely implied incumbency. Woo's challenge was dismissed in court, however.

While Democrats say that Jones' candidacy is driven by the up-or-out pressure of term limits, and accuse him of talking about issues unrelated to the office he seeks, Republicans say that once voters get to know Bill Jones, a 12-year veteran of the Assembly and former GOP floor leader, they'll like what they see. The catch with that reasoning, of course, is that neither candidate is likely to raise enough money to get a strong message out to voters, which gives the advantage to the all-but-incumbent Miller.

"If Jones wins, it'll be because he was swept into office on a Republican tide," predicted a Republican political consultant who asked to remain anonymous. "Tony Miller is going to have his name on every voter pamphlet in every household in California, and all things being equal, if voters don't know a candidate, they vote for the incumbent."

Republican political consultant Wayne Johnson conceded that Miller's ballot title may have helped him in the

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primary, but that was before Jones — who ran unopposed — began trying to get his name out. "People are going to know a lot more about these candidates [in the fall], and therefore the ballot designation won't be as important. The more you know about the candidate, the less the ballot designation or superficial things matter," he said. Johnson said that if Jones can distinguish himself on one or more issues important to voters, they'll recognize the difference between the two candidates. But he denies that Jones is pandering to the public's concern about crime and illegal immigration. "The race is hinging at this point on name identification. If you were the author of the three-strikes initiative, I don't think you'd be keeping it a secret," he said.

The two Republican consultants, along with Democratic political consultant David Townsend, agreed that what happens at the top of the ticket — in races for governor and U.S. Senate — could strongly affect the outcome of this contest. "If you have a strong showing at the top of the ticket, it helps down the line," said Townsend. If, however, it's a close race at the top, the down-ticket races won't be much affected. That leaves candidates like Jones — with no built-in advantage of being able to plaster his name on documents fluttering into voter households this fall — with the steeper hill to climb to get voters acquainted with him.

"The big challenge for Jones is that he has got to build a case that the incumbent has done a lousy job, and that would take a lot of money," said the anonymous consultant. According to the June 30th campaign statements, Jones heads into the general election with about $320,000 — about twice the size of the pot his opponent has left over from the primary.

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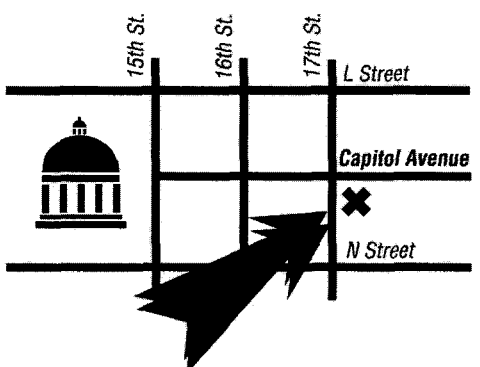

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In addition, a recent Field Poll showed that half the electorate hadn't made up its mind — 50 percent undecided, with Miller at 26 percent and Jones at 24 percent.

In addition to attacking Miller for failing to address the issue of non-citizens registering to vote, Jones has proposed two of his own measures. He says that foreign-born voters should be required to provide their naturalization numbers to election officials to verify their citizenship status. He also would require people to provide their Social Security numbers when registering to vote.

While acknowledging that voter fraud is a problem, Miller says that requiring people to show a Social Security card would do nothing to weed out those who would seek to register to vote illegally. "Practically speaking, there are lots of non-citizens who have Social Security cards, so that really doesn't tell us a whole lot," Miller said.

As for the other idea, Miller says it's probably illegal. "It may be well-intended, but you have to be aware in this business of what is doable in terms of federal law," he said, noting that naturalized citizens have the same rights as the native born, and to impose an additional burden on them to locate their naturalization number and to provide it when registering to vote would constitute an undue and discriminatory burden on them.

An as-yet unexploited theme of this race is that it provides the vehicle for the nation's first-ever gay candidate from a major political party to win statewide office. Miller has made no secret of the fact that he's gay; he's been bringing his partner of 20 years to office social functions for years. "I'm also right-handed and... a former Eagle Scout. It's just a part of me; I've never thought of it as an issue," he says.

The Jones campaign so far has steered far clear of it, too, but that could change, according to Townsend, who says there are ways of bringing up the issue without actually being the one to bring it up. An old stand-by is to respond angrily when someone else brings it up, and then to vigorously deny that it has any role in the race.

"I don't know if the Jones campaign itself will do it, but in 1980, [then-gubernatorial candidate George] Deukmejian was outraged that somebody was bringing up Bradley's race," said Townsend, referring to the fact that Deukmejian's Democratic opponent, former Los Angeles Mayor Tom Bradley, is African-American.

But other Republicans say Jones would "be dead" if he even touched the issue, since to do so could offend Republicans who think it's irrelevant.

Early efforts to tar Jones as a politician who would politicize the office fell flat and have been largely abandoned. A row-crop farmer who shares a 1500-acre farm with four families near Fresno, Jones flies himself to and from the Capitol. The role of a non-partisan elections chief suits him well since "he's too decent to be in the Legislature," said a former GOP Assembly member.

Not too long ago, another secretary of state used the office to get himself elected governor. But the fact that Jerry Brown was the son of popular former governor Pat Brown made all the difference in that race, and therefore that's an event unlikely to be repeated anytime soon. After all, Eu served in the job for nearly 20 years but never was able to parlay it into anything but re-election. But Republicans, especially those with strong ties to agriculture, will be watching Jones' progress closely. "They're playing futures," said Johnson. "They're not stopping at secretary of state."

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BROWN ACT REFORM

Is that a quorum in your pocket, or did you want to record this meeting?

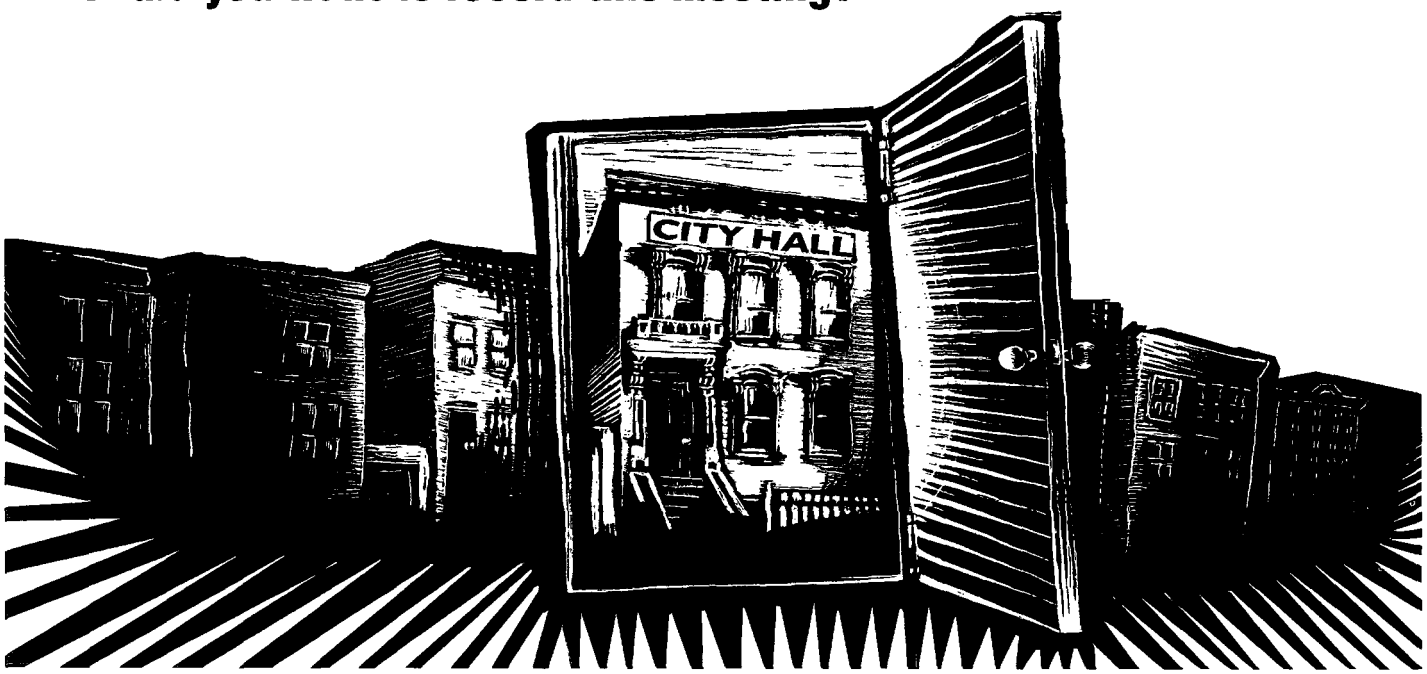

Illustration by Craig Schindler

By Elizabeth Schilling

For someone with a cruel sense of humor who runs in government circles, recent changes to the Brown Act, which went into effect April 1st, served as new fodder for April Fool's Day. But for everyone else in the public sector, serious attention had to be given to the significant revisions that expanded, strengthed and added enforcement options to the Brown Act — that law that forces local government to do its business in the open and not behind closed doors.

Elizabeth Schilling is a freelance writer from Santa Cruz.

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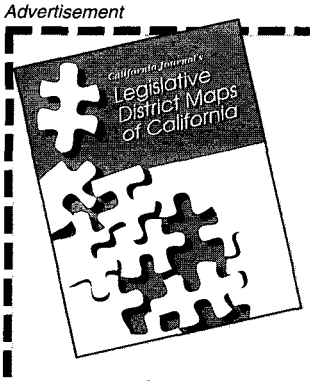

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Since the bill was signed in October 1993, city attorneys, school-board members, clerical staff and others have been in training to familiarize themselves with the dozens of reforms designed to shed more light on the business of local government.

The changes are contained in three bills, the contents of which had been unsuccessfully considered in the Legislature's previous session (1990-92). Reintroduction in 1992 took the shape of SB 36 by Senator Quentin Kopp (I-San Francisco) and AB 1426 by Assemblyman John Burton (D-San Francisco), legislation that was originally drafted by the California First Amendment Coalition. A third bill, SB 1140 by Senator Charles Calderon (D-Whittier) was sponsored by local government agencies. This faction had fought against amendments the first time around, but came to the negotiating table after Governor Pete Wilson indicated he intended to approve a reform package. Wilson withheld his signature in 1992 because of state reimbursement responsibilities; but revision eliminated this concern and Wilson gave his signature. Clean-up legislation (SB 752 by Kopp) was passed earlier this year and also went into effect on April 1st.

The Brown Act, enacted in 1953, regulates how public agencies do business and what information is accessible to the public. Compared to other states' so-called "sunshine laws," the Brown Act allows Californians unprecedented access to local information and decision makers.

"The changes are important and help ensure the right of people to fully participate in government," said Ruth Holton, executive director of Common Cause. "One of the biggest strides forward is redefinition of a quorum. This will stop the practice of holding informal meetings in restaurants when officials say, 'Hey, since we're all here, let's talk.'"

The quorum question was addressed in the part of the new law that for the first time defines the term "meeting." Now, any dialogue between two members of a body, if used to build a consensus, can be subject to the Act.

Those who herald the reforms say loopholes that had undermined the spirit of the Brown Act finally have been closed. Cited improvements include stricter notification requirements for meetings, narrowing of legitimate topics for a closed session and extension of the statute of limitations from 30 to 90 days for violations alleged to have occurred outside an open meeting.

The California Newspaper Publishers Association had lobbied for changes for more than 10 years, according to Terry Francke, former CNPA legal counsel and now executive director of the California First Amendment Coalition, an alliance of news media professionals.

"The legislation does not exclusively benefit the press. It responds silently to concerns of parents and taxpayers who try to follow governmental decisions," said Francke. "Reporters still have the burden of inquiry. The law adds a few new red flags, but if reporters think all their stories are now coming in a news release, they'll be disappointed."

While the news media and public-interest groups won much of what they fought for, they lost on an effort to require the tape recording of all closed sessions.

Still smarting from what he calls a "bruising legislative battle," Ernie Silva, a lobbyist with the League of California Cities, is skeptical about how much the public will benefit from changes. "We spent two years trimming back the media's wish list. But at least the final form is something a city

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can live with," said Silva.

Negotiating workable changes seemed never-ending, and those on both sides of the issue agreed to an informal three-year moratorium on additional amendments, Silva said. Silva predicts glitches as officials learn the new rules of being more public. He is also worried that innovative public-private partnerships may be stifled.

"For example, if a council member sits on an economic development committee put together by a chamber, it may be subject to the new law," said Silva. "Through this private citizens could be exposed to rules of the Brown Act. What was once a bright line between public and private has been blurred."

While the people running the state's 470 cities aren't necessarily welcoming Brown Act changes, Silva said they are earnest about complying with new procedures. "One good thing about cities," said Silva, "is they are creative; you give them the rules and they'll find a way to make it work."

Such a "can-do attitude" can be hard for local government to maintain in light of budget cuts and loss of expert staff who can give interpretation of the Act. Along this line, a repeal of the new Brown Act is already being sought by the Amador County Board of Supervisors. They say, since they lack adequate professional staff and use committees to accomplish work, preparing and following agendas is too burdensome.

The argument of over-worked public servants was used by many groups who opposed expansion of the Brown Act. But advocates for change, such as Francke, contend such claims aren't valid. "If people are complaining about having to share factual information about public business, I'm fairly dry-eyed about their concerns," he said. "Most of the adjustments are one-time things, and if done correctly will be the new routine."

To be sure the adjustments are done right, organizations such as the Association of California Water Agencies, and the California State Association of Counties are offering workshops, publishing brochures and advising local members on how to interpret the Brown Act. In the case of the California School Boards Association, education on the subject has been non-stop since last summer. The association, whose roster includes about 5000 school-board members, has held workshops throughout the state. "We've encouraged our school districts to start enforcing the changes beginning January 1st," said Laura Walker, senior legislative advocate with CSAC, "in this way we'll know how to practice it by April 1."

The greatest drawback to practicing the new law, she finds, is removing confidentiality from personnel matters. "The press will have a field day when a district tries to terminate someone," said Walker. "In the past a deal could be made in closed session. With that option gone, and if an employee fights, terminating someone could run a district $50,000 in court costs."

Meanwhile, as the learning curve plays out on the new Brown Act, officials like Bill Cory, a board member for the Los Medanos Community College in Pittsburg, is trying his best to become informed. Cory and about 70 other officials recently attended a workshop on the Brown Act that was organized by a coalition of community groups.

"I've learned it's going to take more time and effort to comply with the new law," said Cory, following the training. "Some officials may not feel as comfortable as before discussing certain matters, but then maybe, that is for the best."

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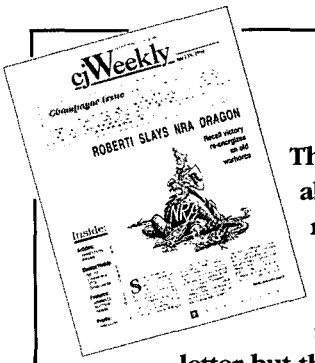

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Washington PERSPECTIVE

By Larry Liebert

Dianne Feinstein

My earliest memory of Dianne Feinstein was watching her play the part of a policy wonk more two decades before Bill Clinton brought that style to Washington. I was a young reporter in San Francisco whose beat included a regional study group called the Bay Conservation and Development Commission Waterfront Study Committee. I was assigned to attend the interminable weekly sessions and to decipher the impenetrable deliberations of a roomful of city planners. But why didn't Feinstein, a leading member of San Francisco's Board of Supervisors, make a suitable excuse to escape this tedium for more politically fruitful events? She could easily have gotten away with making a few ceremonial appearances for this obscure planning panel.

THE ANSWER APPEARED TO BE THAT SHE GENUinely thrived on the details of public policy. She really wanted to solve every zoning problem and address every budgetary issue.

Like most San Franciscans of that era, my most vivid memory of Feinstein was of the regal dignity with which she led the city after the assassinations that made her mayor in 1978. "In our sorrow, this lovely jewel of a city seems a dark and saddened place," she told a memorial service for slain Mayor George Moscone and Supervisor Harvey Milk. Her successful effort at healing a city's grief was proof that the symbolism and theatrics of public life can play a crucial role, and it was the perfect role for a woman who once aspired to a life in the theater.

These and other memories of California's Democratic senator came back as I read "Dianne Feinstein," a first-rate new biography (published by HarperCollins West) by *San Francisco Chronicle* editorial page editor Jerry Roberts, my old friend and former colleague. These days, Feinstein plays the carefully modulated and largely scripted role of a U.S. senator — and the equally well-orchestrated part of a political candidate in what is turning out to be a tough reelection fight. But Roberts has captured the far more compelling story of the difficult life and remarkable career that brought her this far.

He captures his subject's contradictions in the book's introduction:

"Despite her great wealth and natural beauty, Feinstein's character and career have been shaped by the theme of struggle, personal and political.

"The oldest of three daughters of a brilliant father who set extremely high standards and an abusive, mentally ill mother who constantly tore her down, Feinstein had a childhood of secret torment, hidden behind a public veneer of affluence and pretense. The early survival skills she developed later helped her cope in her personal life with divorce, single motherhood and the agonizing death of her beloved second husband, and in public life to surmount countless obstacles and repeated setbacks, before leading her shaken city through times of horror, assassinations, terrorism and mob violence.

"Feinstein's independent brand of centrist politics are pragmatic, difficult to categorize and laden with paradox — she was an early liberal, reinvented through conservative stances; an outsider transformed into a consummate insider; a trailblazer for women who feuded bitterly with feminists. Such contradictions reflect a point and counterpoint of strengths and flaws that describe her personality — warm but steely, ambitious but insecure, caring but autocratic, compassionate but aloof, generous but petty, honest but manipulative, inspiring but hypercritical, self-determined but obsessed with order and control."

More of my own Feinstein memories:

• The infuriating boss. Reports of a high turnover among her Senate staff have been anything but a surprise to those who have watched Feinstein over the years. Her ex-staffers could fill a book with stories of her tirades and demeaning demands. One aide would recount the minor humiliation of being dispatched by Feinstein to buy new pantyhose. Others recall phone calls at all hours of the night from a sleepless, sometimes panicky candidate. But many of these same aides recount a thousand acts of kindness when they were ailing or troubled.

• The big spender. Voters may have reason to complain that Republican Mike Huffington is trying to buy Feinstein's Senate seat with his personal fortune, but Feinstein is merely finding out what it has felt like for her opponents through most of her career. The wealthy and politically well-financed candidate has seldom had to run a campaign on a shoestring. Her first race for the San Francisco supervisors was the first in that city's politics to use costly television commercials.

• The media critic. Feinstein has always been extraordinarily thin-skinned about press coverage. As mayor, she would call to complain about a passing reference that she found disturbing even in the most harmless and upbeat of news reports. She used to call me "the noodge," a Yiddish expression that I took as a thoroughly unintentional compliment for my reportorial persistence. On the other hand, at least until Senate-level handlers got ahold of her, Feinstein was one of the most accessible politicians I've ever seen. And she could seldom keep a secret if it meant stonewalling or evading a reporter's direct question.

ONCE, I WAS PERMITTED TO ATTEND A POLITICAL fund raiser in Feinstein's mansion. The mayor was in an exuberant mood and broke away from her hostess duties to give me a grand tour of her home, from the huge walk-in closets to her exquisite Chinese antiques. I jotted down details on a notepad throughout. The next day, Feinstein phoned in horror at the thought that I actually might write a newspaper story about her home.

"I've refused requests from *Ladies Home Journal* for a tour of my house!" she said in a wounded tone that implied I had snuck into her home in disguise or through an open window. It may be that the mayor, who had once been stalked by a fringe radical group, had become belatedly alarmed that this story would somehow put her security at risk. I assured her that the *Chronicle's* story would not reveal any details of her house's floor plan or of its supposedly secret address. The story ran, and she never mentioned the incident again.

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Reshaping Health Care in America

Dr. Walter Broadnax, deputy secretary of the U.S. Department of Health and Human Services, delivered the keynote address at the 1993 California Public Affairs Forum.

Searching for a Cure

Dismayed by skyrocketing costs and a lack of universal coverage, Americans have made reforming their health care system a top priority. But achieving consensus on a plan of reform is not easy.

That's why the California Public Affairs Forum recently convened a panel of experts to study this issue. The forum is a biennial event sponsored jointly by the California Chamber of Commerce, the Bay Area Council, Los Angeles Area Chamber of Commerce and Hitachi, Ltd. Its purpose is to provide a forum for discussion of important issues facing California and the nation. Begun in 1987, the forums have examined state transportation problems, the jobs/housing balance, air quality control, and education reform.

No one on the panel questioned the need for health care reform. "The medical treatment that people in this country get is probably the best in the world. But it costs too much and anywhere from 34 to 37 million of us are not covered," said John Palmer, White House correspondent for Christian Science Monitor radio.

"We have in this country a moral imperative to secure health care for everyone," said Dr. Paul F. Griner, president of the American College of Physicians.

Dr. Griner and the other panelists agree that a national health care system is key to controlling runaway health care costs and eliminating the inequities in the current system. They are optimistic that the U.S. will ultimately adopt such a plan.

Fueling the panel's optimism are signs that many Americans are changing their attitudes about health care. "Health care reform has already begun in this country," said Ms. Julia Thomas, president and CEO of Bobrow / Thomas and Associates, an architectural firm that specializes in health care facilities design. "We've seen a huge move toward managed care, preventive care, and a more educated consumer."

"Health care reform is of great interest to us," said Yoshiro Kuwata, a director of Hitachi. "As an employer of more than 16,000 Americans, we are bound to feel the impact of any change in the nation's health care system."

Dr. Paul F. Griner, president of the American College of Physicians

We at Hitachi share the panel's optimism about the future of health care in the U.S. We are proud to play a role in providing a forum for discussion of issues facing us all.

To obtain copies of the speakers' presentations, please write: Hitachi, P.O. Box 35146, Los Angeles, CA 90035.

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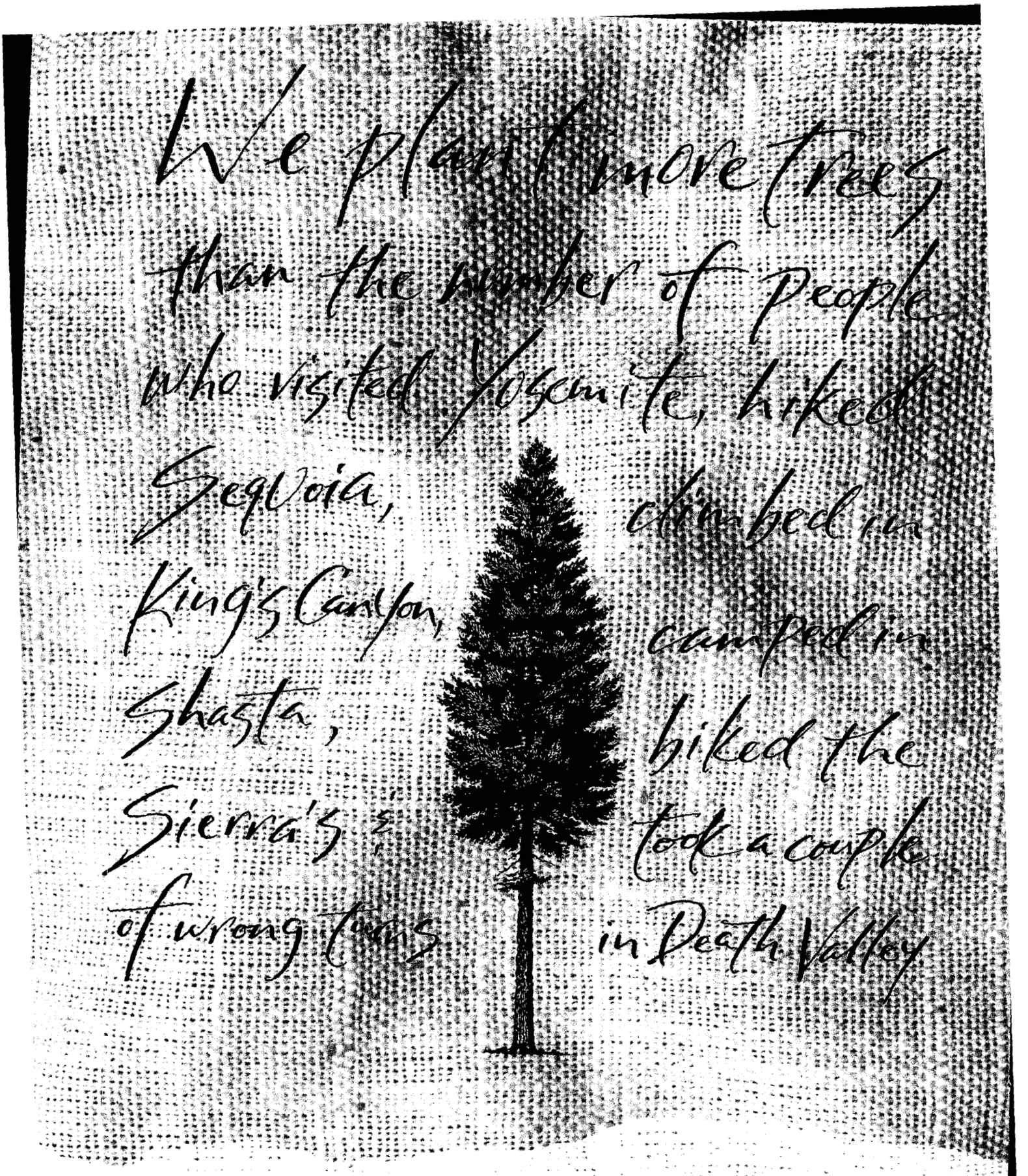

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